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THE NEW HOUSE OF COMMONS AND THE IRISH QUESTION.*

BY THE RIGHT HON. ARTHUR JAMES BALFOUR.

THE House of Commons by a majority of forty has passed a vote of want of confidence in the Unionist government; Lord Salisbury has resigned; and Mr. Gladstone is at the head of an administration pledged to the principles of Home Rule. It is inevitable, under such circumstances, that all who, on either side of the Atlantic, take an interest in the future of Ireland, should abandon themselves to speculation on the ultimate result of these striking incidents, and though such speculation, if it seeks too boldly to penetrate the secrets of the distant future, can hardly be otherwise than barren, it may nevertheless not be without its use if it enables us more clearly to apprehend the conditions of the problem we have immediately to face.

Let it be noted, then, in the first place, that the division which took place in the House of Commons on the night of August 11 was the climax of an electoral struggle which has raged without intermission for five years. It may be doubted whether at any time in British history efforts at once so continuous and so intense were ever put forth by both parties for so long a period. It is certain at least that nothing of the kind has taken place since the last Reform Bill established household suffrage as the general electoral principle in counties and boroughs alike. Many momentous general elections have on former occasions been deter-

* The reader is requested to bear in mind the fact that Mr. Balfour's article was written immediately after the general election.—ED. N. A. R.

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mined largely by abstention; not the men who voted, but the men who refused to vote were the authors of the change which placed in power new ministers and another party. But this has emphatically not been the case in the general election of 1892. The polls have been enormous; and there is no evidence that any class or section of the population, on either side in politics, was lukewarm or indifferent. The political eagerness of the constituencies is so far faithfully represented in the House of Commons which they elected; and the lobbies on the night of the division contained a larger proportion of members than has, I believe, ever before been collected together during the long history of the House of Commons. Three members, and three members only, were absent out of 668, and of these, two were ill and one was on the high seas.

It might, perhaps, be supposed that the verdict thus given with every circumstance of deliberation was both unequivocal and final. The case, it might well be thought, has been fully heard; judgment has been pronounced by a court admitted to be competent, and from which there is no appeal; and nothing further can remain for the Unionist party but to admit that, whether right or wrong, they are unsuccessful; to make their bow, and to retire with what grace they can until their successors shall have carried their Home Rule policy to a practical result, and new issues shall have risen above the horizon of party politics. These, however, are assuredly not the sentiments of the Unionist party. They admit neither the premises nor the conclusion. They do not acknowledge that the verdict of the country is unambiguous, still less do they consider it to be final; while, in their view, the victory of their opponents is accompanied by circumstances which make it almost equivalent to a defeat.

That if it be a victory, it is a victory most disappointing to the victors, will at all events not be disputed. Mr. Gladstone was accustomed to entertain the public and to occupy the leisure of opposition with elaborate calculations, based upon the figures of bye-elections, as to what majority he had a right to expect. His most modest anticipations were enormously in excess of what he has actually obtained, while on the very eve of the declaration of the polls Mr. Herbert Gladstone announced to a French special correspondent that their expected majority ranged, if my memory serves me, somewhere between 100 and 180.

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For my own part, I never was of opinion that these sanguine prophecies, illusory as they have proved themselves to be, were on the face of them absurd. It does not, in our existing system, require many abstentions or many conversions to turn a large majority into a small minority, and both reasoning and experience show that there must be many causes at work during the course of a long parliament by which such a result is likely to be brought about. An administration which holds office for six years cannot but disappoint many hopes; cannot but arouse many enmities; cannot but give occasion to much hostile comment, well or ill founded. During all that period it is always the object of criticism, often of misrepresentation, sometimes of calumny. While its own shortcomings are fresh in the memory of all men, the shortcomings of its predecessor have faded into a historic past; the performance of its members is compared, not with the performance of the rivals whom they have supplanted, but with the promises of the rivals who hope to supplant them. The comparison, therefore, is never made between two realities, but is always between a reality darkened by misrepresentation and a fiction illumined by hope. It need create no great surprise that the fiction is very commonly preferred.

It is to causes such as these that we must in the main attribute the immense majorities obtained in 1868 by Mr. Gladstone over Mr. Disraeli; in 1874 by Mr. Disraeli over Mr. Gladstone; and in 1880 by Mr. Gladstone again over Mr. Disraeli. It was not unnatural to suppose that what had happened to many governments before, after a prolonged tenure of power, would happen to the government of Lord Salisbury, and that the relatively small fraction of the population who determine the results of general elections, and who in these discussions are always dignified by the name of the "Country," would again transfer their affection and their support from the gentlemen who were *in* to the gentlemen who were *out*. To do those responsible for the management of the Gladstonian party justice, they were not slack in supplying every artificial aid to the furtherance of this natural process. No doubt in every election some things are done by both parties which had better not be done, and many things are said which had better not be said. Yet I cannot think that I am misled by party prejudices when I assert that during the recent electoral contests, which in

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some sense may be said to have been going on continuously for five years, the Home Rule candidates indulged in a license of invective and misrepresentation which has not often dishonored party conflicts in this country. I do not believe that in the large centres of population the violent attacks upon the late Irish administration did much harm to the Unionist cause. They began too early ; they were continued too long ; and they were too easily contradicted. The same, however, cannot be said of many of the misrepresentations, often merely personal, by which it was sought to influence the county elections. There the populations to be dealt with had less political experience than the voters in the towns ; they were widely scattered, and a well selected fiction, distributed from many centres shortly before the poll, it was almost impossible to expose in time to deprive it of its power for evil.

It is not, however, upon electioneering details, which can have but little interest for American readers, that I desire now to dwell. It is sufficient for my present purpose if I have made it clear, in the first place, that there are constant forces at work which tend, after any sufficient interval, to transfer power from one party to the other ; and also that, in the case of the recent general election, these forces by no means acted in the manner or to the extent desired and expected by the Home Rule parties. The anticipated majorities of 170, 120, or 100 shrank to the modest proportions of 40, and, as I shall proceed to show, the inherent weakness of that majority is by no means measured by the mere paucity of its numbers. For, whereas on ordinary questions and in ordinary times it matters nothing from what part of the United Kingdom any ministry derives the votes by which it is retained in office, in 1892, and on the Home Rule question, this becomes a matter of fundamental importance. No doubt long and even powerful administrations have been and may again be carried on with the assistance of party majorities of much less than 40, but they have been majorities fairly homogeneous in character, and fairly united in organization.

This description, most assuredly, does not apply to the Home Rule majority in the present House of Commons.

The English members who follow Mr. Gladstone are divided from the Nationalist members representing Irish constituencies, by tradition, by principle, and by organization. The Nationalist

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members who follow Mr. McCarthy are divided from those who follow Mr. Redmond, not only by organization, but by the recent memory of bitter wrongs, by personal prejudices more powerful than public principles. Of these three parties the McCarthyites are, for the purpose of the present argument, the most important, for they hold the balance of power, and can at any moment put the Gladstonian government in the minority. In what manner they will use this power it is at present impossible to prophesy. There are many of them, I doubt not, with whom Home Rule is merely a pious opinion, and who would be quite content to go on indefinitely as part of the Gladstonian tail, abundantly satisfied to see Home Rule relegated to an humble place in the Newcastle programme, provided that they could in the meanwhile keep the Unionist government out of office, and control the dispensation of Irish patronage.

But though this is a policy to which perhaps they would not be averse, it is not in all respects an easy one to carry out. They would be met by difficulties both in Ireland and at Westminster. The supposition that their Home Rule creed sat loosely upon them would, if it once came home to their constituents, do them infinite harm, and the followers of Mr. Redmond infinite good. It would not be easy for them in the House of Commons to support an Irish administration, even of a Home Rule government, without falsifying promises which they have made, and destroying expectations which they have encouraged in their Irish dupes. If during the past twelve years Separation or Home Rule has been their end, their means have invariably been derived from the unscrupulous employment of the weapons furnished them by the agrarian difficulty. They have not hesitated to preach doctrines on the subject of property which in every civilized country in the world would be regarded as absurd, and to enforce these doctrines by methods which in every civilized country in the world would be punished as illegal. No doubt Mr. Gladstone's government will do everything they can to minimise the difficulties which must arise between themselves and their embarrassing allies; but if society is to continue at all, these difficulties cannot be wholly obliterated. A landlord must still be permitted to get rid of a tenant who declines to pay his rent. The new Chief Secretary must at least go through the form of protecting the tenant who takes a farm from

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which his predecessor has been evicted. The illegal and criminal practices, for which Mr. Gladstone and his friends found it so easy to devise soft-sounding synonyms when they had to be dealt with by their political opponents, can hardly be ignored by Ministers responsible for the government of the country. It is true, no doubt, that agrarian crime has greatly diminished under the steady pressure of firm administration during the last few years. It is also true that the Irish politicians who thought it at one time to be their interest to encourage agrarian crime will now find it in their interest to repress it. Nevertheless, cases can hardly fail to occur in which the Irish government will have to choose between a policy which sacrifices the rights and liberties of Irish citizens, and one which is inconsistent with the avowed teachings of the party on which they are dependent for their official existence. If they choose the first alternative they must eventually lose character in England; if they choose the second they will certainly embarrass, and may possibly alienate, an essential portion of their Home Rule majority.

These and other difficulties which might easily be mentioned are not likely to prove inconsiderable; but they are small, indeed, compared to the legislative fences that have to be climbed over or scrambled through before the goal of Home Rule is finally reached.

In the first place, it has to be noted that, so far as Great Britain is concerned, the Home Rule party is in a minority; and, so far as England alone is concerned, it is in a relatively small minority. In other words, England, even after a general election fought under the disadvantageous conditions referred to at the beginning of this article, is still vehemently opposed to the Home Rule policy; while if Scotland and Wales take a different view, it is not so much because they are in favor of Home Rule, as because their old political traditions, or their interests in the Scotch or Welsh measures promised somewhere or other in the Newcastle programme, prevent them withdrawing their support altogether from Mr. Gladstone. Now the difficulties which must beset any government which attempts wholly to reconstruct the constitutional relations between England and Ireland against the will of the former are necessarily great, and are much greater since Mr. Gladstone has authoritatively promised to retain the Irish members at Westminster after Home Rule is granted. For-

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merly it might have been said plausibly, however untruly, that Home Rule for Ireland was in the main a question which only concerned the Irish. This can be said no longer. If the Irish are to send one hundred representatives to the parliament at Westminster, while England is to send no representatives to the parliament in Dublin, it follows that the Irish can intervene in our affairs while we cannot intervene in theirs. They can not only vote upon the details of English legislation, which in no way concerns them; they can not only vote taxes to which they contribute not one farthing, but (which is far more serious) they can determine against the will of the English people the political complexion of the ministry by which that people is to be governed. I am not now concerned to prove that such a proposal, if really carried out, would make our constitution the laughingstock of the world; I am only concerned to show your readers that in this kind of Home Rule England is at least as much concerned as Ireland, and that England has pronounced her objection to it with at least as much decision as Ireland has pronounced her approval of it.

On Nationalist principles this decisive verdict of one of the nations affected would appear to be fatal to the cause of Home Rule; yet it is not from the hostile English majority alone that Mr. Gladstone's English difficulties are likely to arise. The English minority also may find that their assent to an Irish parliament has been wrung from them on false pretences. In truth two very different schemes of Home Rule have been presented to the English and Irish people respectively. The Irish have been led to believe that they are to have a parliament and an executive practically independent and supreme so far as Ireland is concerned. The English have been taught to believe that, after Home Rule has been granted, the British parliament will still retain a supreme controlling power, to be exercised if and when, in their opinion, the Irish parliament abuses the powers which have been granted to it. The difference here indicated is fundamental. Both ideals cannot by any possibility be satisfied, and when the bill comes to be laid on the table of the House it must inevitably be found, either that the English give more than they bargained for or that the Irish receive less than they expected. Which of the two sections among his followers will ultimately prove to have been the dupes Mr. Gladstone himself

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could not, probably, at the present moment inform us. The result will doubtless be determined by the "higgling" of the political "market," and by the estimate which he may form of the relative obstinacy of the two parties, who cannot both get what they want, but who must both be induced to support him if he is to retain the "confidence" of the House of Commons.

It is impossible not to sympathize with the British Ministry who are endeavoring to follow Mr. Gladstone in the Home Rule policy. In doing so they have been compelled to abandon, suddenly and completely, at the word of command, the long cherished traditions of their party. They went to bed one night good Unionists; they woke next morning to find that, at the bidding of their leader, they had suddenly and unawares been turned into Home Rulers. Their whole political vocabulary had to be altered. They had to curse what they had formerly blessed, and to bless what they had formerly cursed. Their saints were turned into criminals and their criminals into saints. Their very speeches and election addresses, those only a few weeks old, became abominable to them.

Such an operation, performed even on the smallest scale, is not usually agreeable to fallen human nature; and the scale upon which the Liberal party have performed it must be admitted to be nothing short of heroic. I do not suppose that in the field of politics, where such manœuvres have not infrequently been practised, a change of front so rapid and so complete was ever effected before. That it should have been effected at all, even at the cost of the Liberal Unionists' secession, is surely a remarkable testimony both to the ascendancy of Mr. Gladstone and to the strength of party discipline. But something more than this I apprehend was necessary to secure the result; and this something is to be found in the illusory hopes which they have based upon what appears, and has always appeared to me, to be a total misapprehension of the true character of the problem which had to be solved. What the English follower of Mr. Gladstone has persuaded himself that he will get from Home Rule is, in the first place, a settlement of the Irish difficulty, and in the second place the satisfaction of a legitimate Irish demand. To gain this object he has been content to sacrifice his own political past and the future of his co-religionists in Ireland; and yet if anything can be certain in political prophecy it is certain that the first of

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these objects will not be attained, and that the very idea of the second is based upon historical misconception.

What is the root and essence of the Home Rule movement which prevails among two-thirds of the population of Ireland, and which is so violently opposed by the other one-third? Some people talk as if it was the desire of an oppressed minority for a fair share in the management of an Empire of which they bore their proportion of the burdens; others talk as if it was the longing of an ancient people to have restored to them the constitution which they once enjoyed, and of which, through dark years of national eclipse, they have always cherished the recollection. Both theories are unhistorical and even absurd. As regards the first, it is enough, perhaps, to say that the Irish at this moment enjoy a larger proportionate share in the management of the United Kingdom than either England or Scotland. They enjoy more than their fare share of Imperial time, and more than their fair share of Imperial money. Not less inconsistent with the fact is the view that they desire some restoration of the institution formerly enjoyed by their nation. There never has been any ancient order of things in Ireland which could be made to do duty as the ideal of modern Nationalist aspirations, unless the condition of general anarchy and inter-tribal warfare which in ancient times existed outside the "Pale" can be so described. There was, indeed, a time when a separate parliament sat in Dublin, but it was a parliament founded for English immigrants by England, filled by men of English blood, and always more or less controlled by men dependent on an English House of Commons. It was a landlord parliament and a Protestant parliament; a parliament profoundly attached to "revolution" principles and all that "revolution" principles implied in Ireland. It would be a miracle indeed if such a parliament should have taken real root in the hearts of a population which had no part in its deliberations, and who were divided from those who had, by the profound gulf produced by the memories of civil wars, successive confiscations, mutual persecutions, and penal laws. In truth, nothing less than Mr. Gladstone's ingenuity could blind him and his followers to the fact that the historic root of the Home Rule movement is not to be found in any memories of an Irish parliament, but in the rebellions and attempted rebellions which have from time to time taken place against the

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English connection; rebellions which themselves are in the direct line of descent from the ancient struggles between the Irish Celts and English invaders, and which derive their strength from the agrarian discontents born of the unforgotten wrongs inflicted by the great confiscations of the sixteenth and seventeenth centuries.

Those who are content to put aside the Gladstonian legend and to consider the true lessons to be deduced from the version of Irish history which I have just indicated, will easily understand why no scheme of Home Rule which England could consent to grant could ever put an end to the Irish question or be the means of conferring a measure of "justice" upon Ireland. For they will see that the Nationalist movement is really based upon two diverse, though allied, elements. It is based partly upon the desire to shake off the connection with England, partly on the desire to remedy the wrongs inflicted by former confiscations by adding a new one to the number. In so far as the first of these still subsists by its own native strength and vigor, it would not be and could not be satisfied by the granting of a parliament even nominally subordinate to the Imperial parliament, and from whose deliberations are to be excluded the consideration of many subjects (such for instance as taxation and tariffs) which are freely granted to our self-governing colonies. But I believe myself that this feeling, though among certain sections of the population undoubtedly real, is in process, or, at least until the agitation of 1880, *was* in process, of rapid conversion into a harmless and purely sentimental affection for a condition of things supposed once on a time to have existed, but which no one in seriousness desired to see restored. In a generation it would have become as innocuous as the Jacobitism of 1760, and would have had as little in it hostile to the unity of the United Kingdom as have the feelings which we Scotchmen cherish for the heroism of Wallace or the victories of Bruce.

Unfortunately, this patriotic sentiment is in Ireland inextricably associated with agrarian discontents. From this, and from this alone, did it derive the virulence which has characterized its different manifestations during the last twelve years. But it is plain that the Imperial Parliament can never allow the perpetration in the nineteenth century of the iniquities that were barely tolerated in the seventeenth. There must be no new dispossession of the owners of the soil, no repetition, under modern forms, of

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ancient injustices. But if the Home Rule Bill is neither to fulfil the wishes of those who, in their own phrase, wish to see Ireland a nation among the nations, nor the demands of those who want other people's land, how can it pretend to offer a final settlement of the Irish question? how can it satisfy the aspirations of that part of the population of Ireland which is understood to demand it?

In my view the remedy proposed by Mr. Gladstone must aggravate the disease it is intended to cure; for it is based upon a wrong diagnosis and conceived under a complete misapprehension of the life-history of the patient. No mere manipulation of the constitutional machinery can do any good. What is required is gradually to work the agrarian poison out of the system, and to trust to time to complete the international amalgamation which is already so far advanced. Let us see that grievances are removed, that the law is obeyed, and that individual rights are maintained; but, while property in land is firmly supported, let us endeavor at the same time to facilitate, as far as possible, the acquisition of that property by the great mass of the occupying tenants. If this policy be consistently carried out, I make no question but that the process by which every great country in Europe has grown into a compact whole out of the scattered fragments left by the great storms of the middle ages, would at no distant date unite every section of the Irish people in the same sentiment of loyalty and affection to the Parliament of the United Kingdom as now prevails in Antrim or in Kent. While it seems to me equally certain that any of the inconsistent schemes described under the common name of Home Rule would, if carried into effect, inevitably aggravate every antipathy and prolong every evil which at present perplexes us in the treatment of the Irish question.

ARTHUR JAMES BALFOUR.

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WHEN IS THE POPE INFALLIBLE?

BY THE REV. S. M. BRANDI, S. J.

THE infallibility of the Pope has always been the main point of controversy between Catholics and Protestants. From the Augsburg confession of faith in 1550 to the framing of the articles of religion by the Reformed Episcopal church in 1875, there has scarcely been a Protestant evangelical creed formulated, in which this infallibility has not been in a greater or less degree explicitly denied. On the other hand, Catholics have never ceased proclaiming it. Such has been the case at all times, but especially since 1870, when the Pope's infallibility was solemnly defined by the Vatican Council.

Numerous statements of the meaning and philosophy of this doctrine, written by its friends and by its foes, have not been wanting; yet something seems to have been overlooked. There are many persons who dislike controversy. They have a strong sense of justice and fair play, and, rightly or wrongly, they wish to judge for themselves. What these readers want is a clear and unvarnished exposition of the doctrine in question; above all, in this subject-matter, they want something of which they can take hold, viz., a definite statement of some recent concrete papal utterances, to which that doctrine applies.

Papal infallibility is defined, by Catholic theologians, to be a supernatural *assistance* of the Holy Ghost, whereby the Pope, as head of the whole church, is preserved free from error, whenever he defines a doctrine that belongs to faith or morals. Hence the reader will easily understand that, in Catholic theology, an infallible Pope does not mean one gifted with inspiration, or commissioned to reveal to the Catholic world new dogmas. The gift of inspiration is chiefly positive, whilst the gift of infallibility is negative; infallibility is *only* an assistance securing the Pope

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from the possibility of declaring error to be truth, and truth error. Moreover, all Catholic theologians agree in denying the existence of any new Catholic revelation after the times of the Apostles. The special assistance of the Holy Ghost is given to the Pope for the *only* purpose of preserving, explaining, and defending the revelation already made to, and through, the Apostles.

Nor does an infallible Pope mean one who is confirmed in the happy state of sanctifying grace, and who, therefore, is sinless, or cannot sin. Impeccability and infallibility are two gifts entirely distinct. Impeccability is a gift of the will, infallibility is a gift of the understanding; impeccability implies a permanent gift that makes the receiver agreeable to God, and is given chiefly for the good of the person that receives it; while infallibility is a transitory gift, gratuitously given for the good of the universal church, and only then when the Pope, as its supreme Doctor, is teaching the church.

Hence an infallible Pope cannot be said to be one who can never err in his private conversation or teachings; or who cannot make any mistake in politics, government, etc. For the gift of infallibility, as held by Catholics, belongs to the Pope *only* in his official capacity, as supreme teacher of the church, and *only* when, in virtue of his Apostolic power, he defines a doctrine that belongs to faith or morals. This and no other is the subject-matter of the Pope's infallible teaching.

This last point is the most important and deserves a little more attention. A doctrine may belong to faith in two different ways, viz.: 1, *directly*, if it be a revealed truth; and 2, *indirectly*, if it be a truth not revealed, but one which is in contact with revelation, and is necessary for the custody, exposition, development and defence of the latter. Such are, *e. g.*, certain philosophical doctrines about God, or the soul of man, or society, or man's rights and duties, etc.; also some *facts* which, because of their intimate connection with a dogmatic truth, are called "dogmatic facts." By the unanimous teaching of all Catholic theologians, these facts as well as the revealed truths are within the sphere of the Pope's infallible teaching.

A misconception is possible here. Every truth belonging to faith or morals may be infallibly defined by the Pope; but from this it does not follow that every truth infallibly defined by the

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Pope is a dogma of the Catholic faith, and, therefore, to be believed with a divine and Catholic faith. To be a dogma of Catholic faith, a doctrine must be a *truth revealed* by God, which the Pope defines to be such. If the doctrine or fact defined be *not* a revealed truth, then, although it too must be unhesitatingly believed, it is so believed *only* with an *ecclesiastical* faith, that is to say, with a faith that has for its motive "the authority of God's Church defining," not of God Himself directly revealing.

These few remarks being clearly understood it will not be very difficult to understand the Catholic answer to the question: "When does the Pope speak infallibly?" The Pope speaks infallibly (or, as it is also said, *ex cathedra*) when all the conditions required by the declaration of the Vatican Council are verified. These conditions are four in number; and it is the fulfilment of these conditions that constitutes the standard or criterion whereby the reader may with all certainty and security discriminate between a concrete papal utterance, to which infallibility belongs, and another to which such a character is not attached.

The conditions are: 1. The Pope, as already explained, must speak as Pope, *i. e.*, as head of the Church. It matters not whether his utterance be by word of mouth or by writing; and, if written, whether it be found in an encyclical, or constitution, or syllabus, or apostolic letter, etc. Hence, if in reading, *e. g.*, one of the Pope's encyclicals I find the Pope therein expressly stating that he speaks "in virtue of the apostolic power given to him," there can be no doubt that the first condition required for an infallible utterance is therein verified. 2. The Pope must speak *for* the whole Church; it makes no difference whether he speaks *to* one bishop or *to* one diocese. Hence, if it be clear that the Pope, in the document I am perusing, addresses himself "to the whole Catholic world," or, while addressing himself to some particular bishop or church, speaks so "that all may know what it is that *every Catholic* is bound to hold, retain and profess," then it is made clear that the second condition also is verified. 3. The Pope must *define* the doctrine; that is, he must pass a final judgment, giving sufficient indication of his intention to oblige the interior assent of Catholics. Should he not do that, but leave the question unsettled, or merely state what seems (*videtur*) to him to be more likely, his utterance would not be such as to claim infallibility. Finally, 4. The doctrine thus defined by the Pope

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must be one which is contained within the sphere of the subject-matter of infallibility; it must be a truth belonging to faith or morality, in either of the ways above explained.

It would, therefore, be a perversion of the Vatican declaration to hold as infallible every act of the Pope, and every expression which he may ever have uttered. The definition of the Vatican Council extends *solely* to those utterances of the Pope *in past*, as well as *in future times*, wherein the four given conditions combine. And, even then, it is the doctrine defined, and that alone which Catholics hold to be infallible; preambles, arguments, *obiter dicta*, all these are considered as external to the purpose of defining, and therefore external to the obligation of belief.

We proceed now to what may appear to some the most important, if not the most interesting part, of our statement, viz.: the application of the rules laid down by the definition of the Vatican Council to some of the utterances of the two last popes, Pius IX. and Leo XIII. This application, which in many cases is evident, is far from being *always* easy. The difficulty, experienced by some, is often subjective rather than objective; but it is sufficient, nevertheless, to explain a certain difference of opinion that has existed with regard to the theological value of some pontifical utterances, or the *definability*, as it is called, of certain doctrines.

Thus there have been a few theologians, who, admitting "the Syllabus" of Pope Pius IX. to be a document of great authority, to which all Catholics are bound to submit, yet because, *in their judgment*, all the conditions required for an *ex-cathedra* document were not therein clearly verified, have denied it to be an *ex-cathedra* act, and therefore to be a concrete infallible utterance.

Even now the question is noted in some of the English and American Reviews: Whether the doctrine, which holds that the temporal power, under the present circumstances of Church and State, is necessary for the Head of the Church unto the free and independent exercise of his Apostolic authority, is a truth defined, or that may be defined? Were we to treat this question *ex professo* we should answer it in the affirmative; for the Popes, and notably Pius IX. and Leo XIII., in their official capacity, and not merely as private persons, have repeatedly and solemnly affirmed the necessity of the temporal power; they have declared that "all Catholics must firmly hold it," and, moreover,

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there seems to be no doubt that the doctrine in question, although not revealed, is connected with one which is revealed, viz.: "the free and independent exercise of the Apostolic authority all over the world." From the *Acts and Decrees of the Vatican Council* we learn that, by order of Pope Pius IX., a *schema* or draft of the *solemn* definition, that the temporal power is necessary to the Head of the Church, was prepared by the Episcopal committee, and submitted to the Bishops of the Council. It was only the events of 1870, which, depriving the Pope of his temporal power, and, consequently obliging him to suspend the work of the Council, precluded for a time the actual definition of this point, as well as many other important ones.

A clear instance of a concrete, infallible Papal utterance is to be found in the "Bulla Dogmatica" of Pius IX. on the Immaculate Conception of the Blessed Virgin Mary. Here are the words:

"By authority of our Lord Jesus Christ, and of the blessed apostles Peter and Paul, and our own, we declare, pronounce, and define that the doctrine which holds that the Blessed Virgin Mary, in the first instant of her conception, was by a singular privilege of Almighty God, through the merits of Jesus Christ, the Redeemer of mankind, preserved free from every stain of original sin, is a doctrine revealed by God, and is therefore to be firmly and constantly believed by all the faithful. Wherefore if any—which God forbid—presume in their hearts to think differently from what we have defined, let them know and be assured that they are condemned by their own judgment, have suffered shipwreck concerning the faith, and have departed from the unity of the Church."

The four conditions required for an *ex-cathedra* utterance are here evidently fulfilled. The doctrine of the immaculate conception of the Blessed Virgin Mary being defined as "a doctrine revealed by God," Catholics hold it as a dogma of the Catholic faith.

The Encyclical "*Quanta Cura*" (A. D. 1874) of the same Pontiff Pius IX. is one which is acknowledged and accepted by all Catholic theologians as a document to which, under the definition, infallibility belongs: hence they consider the opinions and doctrines therein condemned by the Pope as infallibly condemned. The words of the Pope could not be clearer or more to the point:

"In the midst of so many pernicious opinions, we are mindful of our apostolic office, and being exceedingly solicitous for our holy religion, for sound doctrine and the welfare of souls intrusted to our care, we have judged it to be our duty to raise once more our apostolic voice. By our apostolic

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authority, therefore, we reprobate, proscribe, and condemn all the wicked opinions and doctrines expressly mentioned in these Letters, and we will, and command, that they be held as reprobated, proscribed and condemned by all the children of the Catholic Church.

The opinions and doctrines expressly mentioned and condemned are: Naturalism, Indifferentism, Liberalism, Socialism, Communism, etc., and "the doctrine of those who contend that without sin, and without any sacrifice of the Catholic profession, assent and obedience may be refused to those judgments and decrees of the Apostolic See (provided only they do not touch the dogmas of faith and morals), the object of which is declared to concern the Church's general good, and her rights and discipline."

Two other equally clear and indubitable cases of infallible decisions, which have for their object a truth not revealed, but which is connected with a revealed doctrine, are to be found in the Encyclical "*Etsi Multa*" of Pius IX. (A. D. 1873). In this document the Pope, after protesting against the insults that were heaped upon his See "by lawless men who are the enemies of religion," speaks of the evils that afflicted, at the same time, the church in Switzerland and Germany. He first enumerates the laws passed against religion by the Swiss government—laws whereby the Bishop is made subject to civil authority in the administration of his diocese, in the exercise of his Episcopal jurisdiction, and in the delegation of his powers to others, whereby priests are strictly forbidden to exercise any priestly office or accept any power or dignity which would be superior to that intrusted to them by the will of the people; and are obliged to take an oath which implies apostasy from the Catholic faith. All these anti-catholic laws the Pope, "in virtue of his apostolic authority solemnly reproves and condemns, defining at the same time that the oath which they require is both unlawful and sacrilegious."

The other "concrete infallible utterance" contained in the Encyclical refers to the validity of the election, and the lawfulness of the consecration, of Joseph U. Reinkens as Bishop of "the Old Catholics" of Germany. It will suffice to quote the words of the Pope to see that nothing is wanting for an *ex-cathedra* utterance:

"Occupying, although unworthy, the supreme chair of Peter, we, in order to uphold the Catholic faith and to preserve and defend the unity of the Church, following in the footsteps of our predecessors and of the sacred canons, do, in virtue of the (apostolic) power given us by heaven, declare the

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election of the said Reinkens to have been unlawful, vain, and utterly void, and pronounce his consecration to have been sacrilegious, and, as such, we condemn and detest it."

From Leo XIII., the present Pope, who in 1878 succeeded Pius IX. in the chair of Peter, there have emanated so many Encyclicals and Letters, etc., that to examine them all would require a very large volume. A few instances of his infallible utterances will suffice. In his very first Encyclical of April 21, 1878, there is one such utterance, whereby His Holiness "from the Apostolic Chair of Truth (*ex cathedra*) receives and confirms all the sentences of condemnation, passed by his predecessors and especially by Pius IX., on all the modern errors," such as Pantheism, Agnosticism, Rationalism, etc.

The Encyclical "*Diuturnum Illud*" of June, 1881, leaves no doubt as to its claim to infallibility in what it teaches, concerning (1) the origin of the civil power, and its duties towards those for whose welfare it exists, and (2) the obedience which is due to it by those who are under its rule. Here are the words of the Pontiff:

"As we are by the favor of God appointed to rule the Catholic Church, the keeper and interpreter of the doctrines of Christ, we judge it to be the duty of our authority to proclaim publicly the doctrine which every man is bound by Catholic truth to hold on the question of civil power."

And having fully explained what "Catholic truth" teaches on this subject, the Pope concludes with the following words addressed to his venerable brethren, the bishops of Christendom:

"Endeavor and provide that all these points, which are taught by the Catholic Church, on the civil power and on the duty of paying it obedience, be made known to all, and observed by all."

The intelligent reader, if he will apply the rules given by the Vatican Council, may find a few more of these utterances in the Encyclical "*Quod Apostolici Muneris*" (December 28, 1878) against socialism, and in the Encyclical "*Immortale Dei*" (November 1, 1885) on the Christian constitution of States. In the former the Pope, "as required by the nature of his apostolic ministry," condemns the socialistic system, "as being utterly opposed to the doctrine of Christ;" and in the latter, "knowing that he is the apostolic ambassador to all the faithful," and "judging it to be the duty of his apostolic office," he proposes to all "what the Catholic Church teaches and prescribes on this question," viz.:

"That public authority (ultimately) is not from the people but from God; that rebellion against legitimate authority is against reason; that neither

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the individual nor the State may dispense with religious duties, or be indifferent with regard to the various forms of worship; that the *unbridled* freedom of thought, and of the press, can never be a right, or deserve favor and protection, etc."

Besides these Encyclicals, there are others that might be examined in the same manner, to determine which possess the qualifications required for an infallible utterance, and which do not possess them. Leo XIII. has written on almost every subject. He has addressed to the Catholic world *Encyclicals* on "Scholastic Philosophy" (Aug. 4, 1879); on "Christian Marriage" (Feb. 10, 1880); on "The Jubilee" (March 12, 1881); on "The Society for the Propagation of the Faith" (Dec. 3, 1880); on "St. Joseph" (Aug. 15, 1889); on "The Chief Duties of Christian Subjects" (Jan. 10, 1890); on "The Condition of Labor" (May 15, 1891); on "The Necessity of Prayer," and again on "The Rosary" (Sept. 22, 1891). We have from the same Pontiff *Apostolic letters* on "The Reformation of the Order of St. Basil" (May 12, 1882); a *Constitution* on the state of Regulars in England and Scotland (May 5, 1881); two *Decrees of Canonization of Saints* (Dec. 8, 1881, and Jan. 15, 1888. Theologians hold the Pope to be infallible in these decrees. Finally, not to speak of the many *Briefs* and *Allocutions* on a great variety of interesting questions, there are his official "*Letters*" to the Bishops of Brazil, "denouncing the infamous slave trade" (May 5, 1888); to the Bishops of Sicily, containing "a defence of the policy of the Popes in the twelfth century" (April 12, 1882); to Cardinal Rampolla, declaring "his views on the government of the whole Church" (June, 15, 1887); and, omitting many others, there is a *Letter*, written to the Bishops of the Provinces of Milan, Turin and Vercelli (Jan. 25, 1882), on the duties of newspaper men.

Some of our American editors, and especially "reporters," might gather a few useful lessons from the perusal of this "*Epistola.*" Here are some of its words:

"The fearless and open love of truth is indeed beautiful. But let writers be mindful of their duty to abstain from every expression which might, with reason, give offense to an upright man, and never forget the use of that prudence and moderation which must accompany every virtue. No intelligent man will ever approve either the useless bitterness of their style, or their levity in giving publicity to unfounded suspicions, or to what, in general, is lacking in the respect due to all."

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The Apostle Peter, to whom Christ, the divine founder of the Church, "gave the keys of the Kingdom of Heaven" (Matt., 16) and whom he appointed to be His Vicar "to feed His lambs and His sheep" (John, 21) still lives in his successors, the sovereign Pontiffs, the Bishops of Rome. To each and every one of them, as represented in the person of St. Peter, Christ has said: "I have prayed for thee, that thy faith fail not," and "Do thou confirm thy brethren" (Luke, 22). Hence Peter's voice has never been silent. As it spoke of old by the mouth of Linus and of Clement, of Leo and Gregory the Great, so, in these our days, has it spoken to the Catholic Church against which "the gates of hell shall never prevail," by the mouth of Pius IX. and of the reigning Pontiff, Leo XIII.

S. M. BRANDI, S. J.

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OPPORTUNITIES FOR YOUNG MEN IN JAMAICA.

BY HIS EXCELLENCY, SIR HENRY A. BLAKE, GOVERNOR OF JAMAICA.

THE Jamaica International Exhibition which was opened by H. R. H. Prince George of Wales in January, 1891, and remained open until May, resulted in the influx of a considerable number of observing visitors, and the dissemination of a large amount of information, through the English and American press, as to the island, its beauties, its progress and its capabilities. The interest aroused on both sides of the Atlantic has been shown by numerous letters received by me and by others in the colony asking for further information, especially as to the prospects of success for young men desirous of trying their fortune amid the beautiful surroundings so often described, but whose infinite variety baffles the power of words to fully paint.

These inquirers resolve themselves into two divisions—those who have capital and those who have none. To the latter I have always replied that there is no opening for them. The inquirer with capital I have advised to come to Jamaica, and to spend at least twelve months in examining the different parts of the island before investing his money. If he can get temporary employment on an "estate" or on a "pen," so much the better. He will learn how to deal with the people, and also find out if the climate suits him for practical work. It must be remembered that visiting a tropical country is very different to working in it, even though the work be simply supervision. If he is satisfied, he can then choose whether he will invest in the purchase of a "pen," and become a breeder of cattle, horses or mules, or all three; or whether he will purchase an "estate," that is, a property on which the business is the cultivation of sugar, coffee, fruit or fibre.

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As to the kind of crops that can be produced in Jamaica, if we leave out the cereals, wheat, barley, and oats, the island will produce anything that can be grown in the North American continent. Its soil, elevation, and climate are so diversified that while sugar-cane and pine-apples are growing in the plains, English gorse is in bloom in the high hills, and wild strawberries abound on all the mountain paths.

It is not my intention to go into particulars of the various crops that now form the staple exports of Jamaica. Suffice it to say that they pay the growers well, when the profits are not swallowed up in the expenses attending the management of properties belonging to absentees. The average cost of management and commissions on such properties is about 20 per cent., at least one-half of which could be saved to a resident and industrious owner. But the crops may be divided into two broad divisions, those that pay best when grown extensively, and those suitable for small proprietors, of whom over fifty thousand are to be found in Jamaica. In the former category we will have sugar, bananas, coffee, cacao, oranges, tobacco; and in the near future I hope to see the cultivation of the *agave rigida*, or sisal-hemp plant, extend. Small growers can profitably produce ginger, nutmegs, maize, tomatoes, yams, onions, potatoes and other vegetables suitable for the Canadian or American markets.

Grapes grow as freely as in California, and only require careful cultivation to yield very large returns. All these crops are capable of enormous expansion, but the carelessness of our people prevents their growing them with as much profit as might be made. The Jamaica oranges are the best in the world; there is no systematic care taken of their growing, picking, sizing and packing, as there is in Florida. So far there has been no attempt to grow separately the different kinds of banana, although the trade has expanded in ten years from the export value of £44,215 to £531,726.

There are large cocoanut walks in the island. The nuts are sold for about three-fifths of the price given for Baracoa nuts. No care is taken, as in Mauritius and elsewhere, to thin the branches as grapes are thinned, and thus give room for the nuts to grow. Everything is left to nature, and so bounteous is she that she yields with lavish hand, paying returns in defiance of a system that violates every canon of successful agriculture.

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But, it may well be asked, if there are all these opportunities for the investment of capital, how comes it that while young Englishmen flock to Manitoba or Nebraska, the Cape, New Zealand, or Australia, undeterred by distance or climate, and ready to begin a hard struggle by building a log hut, they neglect the island of Jamaica, in which they may find houses ready built, fences ready made, and fields that only require the ordinary annual operation for putting in the crop ? and, further, how is it that the owners of these valuable properties are so ready to part with them for a small consideration ?

The answer is simple. When the work of a slave, with interest upon his value, could be had for about fifteen pounds a year, and when sugar sold at sixty pounds per ton, it paid for the reckless extravagance of the vicious and riotous living of many of the local managers and owners. It paid for the appalling waste of human life. Cargoes of young men came out year after year, and were plunged into a fiery furnace of temptation that only a moral hero could withstand. By scores and hundreds the yellow fever claimed them, and if men lived now as they lived then it may be assumed that yellow fever would become a perennial scourge. But the absentee owner in England drew a princely income and asked no questions. With falling markets incomes fell, and the manumission of the slaves accelerated the downward movement. Some managers refused to accept the dictum that emancipation involved the right to abstain from labor. They could not realize that to a slave whose life had been one long weary round of coerced labor relaxation from work must have been the greatest happiness, and they drove from the estates the people who, from the first ecstasy of freedom, refused to give for a daily wage the same steady labor they had erstwhile yielded to the persuasion of the cowhide. Others claimed exorbitant rents for the mud hovels in which the now free laborers resided. Six shillings and eightpence per week for each inmate over ten years of age was* a not uncommon claim made for the rent of hovels, the erection of which had not originally cost a pound. The consequences might have been easily foretold by people less stupidly blind. Already great numbers of negroes had cleared patches in the unclaimed forests that clothed the hills. The people thus

* "Letter to the Marquis of Normanby relative to the state of Jamaica, by the Marquis of Sligo," 1839.

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driven off joined their friends in the interior and there laid the foundation for the peasant proprietary that is now so marked a feature in the social economy of Jamaica.

It was not long before the income of the absentee owner approached the vanishing point, and at length calls for remittances from him to enable his agent to square accounts were not uncommon. Then in some cases properties were abandoned; in others they were sold for nominal sums to the local manager or overseer; and many have been kept on, just managing to pay a very small sum to the owner, the returns being absorbed in the payment of local supervision and charges.

All this took place during the past generation. It is only fifty years since steam communication between England and Jamaica was established, and not one proprietor in a hundred thought it worth his while to make the voyage. The belief was accepted that property in Jamaica was valueless, and the memory of the young men who had died on the sugar estates in endless succession, and the recurring epidemics of yellow fever among the white troops, who were fed and clothed and overcrowded with all the ignorant brutality of our military system of fifty years ago, stamped the island in the opinion of the English people as a white man's grave, to be carefully avoided. Hitherto no special means have been taken to dispel these illusions. Now, that soldiers are treated on more rational principles, the reports of the army medical officers show that Jamaica is almost the healthiest station for the British troops out of the United Kingdom, while the general health of the community is shown by the vital statistics, which give the average death rate per thousand for the past seven years as 23.9, a very low rate when it is remembered that the death rate of black children under five is abnormally high.

But old beliefs die hard, and years after the extraordinary beauties of Jamaica had been described and its capabilities demonstrated by visitors who had braved the climatic superstition and found here renewed health and strength, properties were being sold for less than the value of the stock that was on them, or in some cases for a tenth of the value of the logwood that grew upon them.

A "pen" is usually divided into guinea-grass, common pasture and "wood and ruinate." The average value would be four pounds for guinea-grass per acre, two pounds for common

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pasture and one pound for "wood and ruinate." It is not possible to give an average value for estates for crop cultivation, as everything depends upon position, soil, and water capabilities. At present mules are the best-paying stock. A three-year-old mule can be bred for seven and eight pounds. The average selling price is about seventeen pounds.

As to estates for the cultivation of crops, granting the proper condition of climate and soil, the yield will depend upon the industry and ability of the manager. In the cultivation of crops there are so many possible leakages that the fool and his money soon part.

But, besides the cultivation of the land, there are other ways of making money. The exhibition has shown that Jamaica has a large quantity of ochres that if treated on the spot would pay a fair dividend. The island also possesses pottery clay as good as any in England. The difficulty is that of obtaining skilled labor. A local company started a pottery, and trained workmen were imported from England. But English tradesmen seem unable to resist the seductions of cheap rum in the tropics. The two leading hands spent their time between the lock-up and the gutters; the terra-cotta works are suspended, and the problem of reliable skilled labor that will last long enough to teach our own more sober people is still to be solved.

I find that I have not said anything upon an important factor —labor. To the question as to the abundance of labor, there will be as many answers as there are differences of disposition of employers. To secure a fair day's work the eye of the master is necessary, but I am satisfied that there is no necessity for apprehension on the score of labor.

I have put aside all temptations to embark in description of the beauties of Jamaica, and confined myself to a slight sketch of some of its capabilities; so that young men may realize that here, within a three days' sea-journey from the United States, there is a British island where money can be made, where the climate is healthy, and where life and property are as secure as on any portion of the American continent.

It is necessary to emphasize the fact that the people are singularly law-abiding, and that there is an entire absence of the reported crimes that, if true, disgrace the Southern States of America, for there is a tendency of many writers to jump to

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general conclusions as to the negroes, from limited observations. I find the following passage in a book by Philip A. Bruce on "The Plantation Negro as a Freeman," published in New York. Having spoken of the reverting of the Haytian negro to African tribal customs, he says:

> "Jamaica has sunk to an equally hopeless condition. One of the fairest parts of the globe, a part upon which nature has lavished without stint her greatest treasures and beauties, has declined to a tropical wilderness far more wretched, with its evidence of former prosperity, than when the foot of Columbus first touched the shores of San Salvador."

Now I can only say that this is ridiculously untrue. The aggregate amount of land in cultivation has been steadily increasing since the date of emancipation, and is still increasing. In 1870 there were 1,832,386 acres in cultivation. In 1890 there were 1,896,290, and, while there is still ample room for improvement there is much reason for satisfaction with the social advance of the people. They are fulfilling their duties as citizens quietly and well, and there are no grounds for apprehension that they will retrograde from their present position. Jamaica, beautiful, healthy, and fertile, with a law-abiding population, and a good supply of labor, offers opportunities for investment that only require to be known to secure an influx of industrious capitalists whose advent must accelerate her material progress.

HENRY A. BLAKE.

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THE HORSE IN AMERICA.

BY COLONEL THEODORE AYRAULT DODGE.

ALTHOUGH the earliest known remains of the ancestor of the horse are found in New Mexico, Wyoming, and Utah, there were, despite favorable conditions, no horses to be found in the Americas at the time of the arrival of the Spaniards. That the climate and other circumstances were well fitted for their development was abundantly proven by their rapid increase from the few individuals abandoned by or fugitive from the Spanish troops about the middle of the sixteenth century. This is a curious but not an isolated instance of such a failure in the equine race. The original horse of northern Europe is thought to have died out; he was at least entirely supplanted by better specimens brought by man from Africa and the East.

The Spaniards had long used for war the light, handsome Moorish horse, and no doubt it was the Barb which came with them to America. The big Flanders or Norman mount, which alone could carry the knight in full armor, had been driven out, together with that wretched bully, his master, by the constantly extending use of fire-arms. The Barb was of the same race which is largely represented in the English thoroughbred, and upon the latter all civilized nations now rely to improve their stock. The beginning of the thoroughbred was in the native English racing mares, coming of mixed Spanish and English strains, the former being descendants of the Barbs, and both being impressed by the Arabian blood imported by the Stuarts. Thus by the earliest and by subsequent importation the horse of the Moors has become strongly represented in America, both in its wild and civilized states.

It is not probable that the grade of animal brought over from Spain three hundred and fifty years ago was high; but the climate of South and Central America was well suited to the creature

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whose original habitat was the sand of the desert, and it needed but a short space for large herds of wild horses to spring into being. These herds did not, however, very rapidly work their way north. It is always by man that the horse gets transplanted into colder climes. The Indians discovered his availability, and gradually domesticated him on our Western plains. There was no attempt among them to improve the breed ; but the grass the ponies fed on was nutritious ; the distance they had to travel to get their daily supply made them stayers ; the frequent call to escape from wolves made them fleet ; and their exposure made them hardy. These qualities have remained with the plains horse in ample measure. Many a pony has been lassoed and ridden a hundred miles on a stretch.

Colder latitudes are apt to stunt the wild horse. In Mexico it throve better, and there, to-day, many points of the Barb, particularly the oval face and teacup muzzle, may be distinctly recognized. For the rest, however, the pony has everywhere lost the beautiful lines of his ancestor. The noble crest and fine throttle, the round barrel well coupled to the quarters, the tail high set on, are no longer present. Grass has distended the belly for many generations, and has permanently injured the middle-piece and coupling in structure and looks, if not in usefulness. But the legs are as fine as a stag's, and in those points which make for service and not for show he ranks well. No amount of exposure or abuse will kill him, while his intelligence is marked.

Many of the ponies of the Canadian Indians do not come from the plains, but are offshoots of the civilized horse dwarfed by generations of exposure ; and near civilization there is always some admixture of the plains with the domestic animal. But the horse of the plains remains a distinct creature. He is not the one which interests us at the moment. He has nothing to do with the horse of the Atlantic or Middle States, or, as he is called out among the cow-boys, the "American" horse.

Columbus, on his second voyage, in 1493, is known to have brought over a few horses. Cabeca de Vaca brought forty-two to Florida in 1527. But these all died out. De Soto's horses, abandoned on the Mississippi, bred on the plains and were lost to civilization. In 1625 Flemish horses were brought to New York ; but the better blood later imported has gradually eliminated the Flanders character, unless it has survived in what used to be

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known as the Conestoga draught-horse. In 1629 horses were brought to the colony of Massachusetts Bay. Judging from their progeny, they were in all probability Cleveland bays and dray-horses.

The Canadian horse is a descendant of the Norman, imported shortly after 1600. The Norman is himself of a pure race (*i. e.*, one able to continue propagation in his own specific form), and possesses beauty of shape, great bulk, good endurance, and fine feet and legs. His docility has remained with him in his new home; he has kept most of his good qualities, lost bulk, and gained capacity for speed. The horse of the Eastern States exhibits traces of no particular race. While the richer planters of Maryland, Virginia, and the Carolinas, as well as the wealthy classes of New York and New Jersey, were able to import many and stanch thoroughbreds, the poor farmers of New England were fain to be content with the average specimens which they continued to bring over from time to time. Lack of blood and system in raising produced a haphazard breed of horses. These were distinctly useful for their purpose, remained sound in legs and feet on account of the dirt roads, and were good-tempered and able. But though the American was a good "all-round" horse, he did not improve without further infusion of blood. The South has always had a large proportion of thorough blood. There is a list of some three hundred thoroughbreds—horses carried on the Stud Book—imported from England from 1729 to 1840, and these went largely to the Southern States.

The good horse of the South shows more decided marks of thorough blood than his equal in the North. The common horse of the South is a weed; in the North he has substance. The draught-animal of the South is the mule, as it is oxen which do the very heavy work in the eastern country districts. As a rule, the western horses have come from the same sections as the population of the several Western States. Upon the breeds carried beyond the Alleghanies from the Eastern States there has been more or less impress made by imported thorough blood. Some heavy stock has been imported from France and elsewhere for the improvement, for draught purposes, of the native horses. But the cis-Mississippi horse has had his origin universally in the Atlantic States.

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The trotting horse of the North, though great speed was originally due to thoroughbred Messenger, has drawn more largely on common strains than the racer of the South, and in the Eastern States the saddle-horse has never been cultivated as it always has been in those States where bad roads restrict wheeled locomotion. Where snow lay three months in the year, and roads were better cared for, the saddle-beast was not a *sine quâ non*, and until fashion has again brought riding to the fore there has been nothing worthy the name since the extinction of the Narragansett pacer. The form and capability of the horse always follow the demand. In the North this demand has been for a roadster; in the South for a saddle-beast. In each section the horse has responded to the call in qualities peculiarly suited to either duty.

Probably more and better horses are owned in America per thousand of population than in any other country, and the farmer or corner-groceryman, at least in the North and West, can and does afford to keep as good a roadster as the city nabob,—often a better one. While the average horse lacks the distinctive characteristics of race, he has exceptionally good qualities. American horses are, as a rule, sure-footed. There are more broken-kneed nags in cabs and livery-stables in England four-fold than here. Smooth roads and level meadows uniformly breed horses less careful how they tread than rough roads and stony pastures. The eastern granite soil produces safer steppers than the clay of the South. Our horses are of even disposition; one rarely sees a brute or a biting, striking, kicking devil in America. They are easily broken. In Kentucky the children ride the colts, often with only a stick to guide them. "I consider," said Herbert long ago, "the general horse of America superior, not in blood or in beauty, but decidedly in hardihood to do and to endure, in powers of travel, in speed, in docility, and in good temper, to any other race of general horses in the known world."

Except perhaps in the matter of trotting, the main distinction between the horse in England—as typical of Europe (for all Europe now is imitating England in matters equine)—and the horse in America has lain in the lack of system in breeding. Of very late years there has been considerable attention paid in this country to breeding, and the admixture of different bloods, which has produced "nondescripts with which America is overrun," is

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being avoided. That breeds have been kept separate in England is due to the fact that the raising of horses has largely been in the hands of great land-owners or capitalists, and the farmers who raised horses had their intelligence as well as their stud to profit by; whereas in America, until of recent years, breeding of all but thoroughbreds was, with few exceptions, an entirely random affair. A farmer had a stanch mare. The only available stallion was in the neighboring village—perhaps on circuit. All he could see was that there were good qualities present in both, and he believed that these would be transmitted. Race was never dreamed of. Often the mare was not bred from until she was unfitted for work by something which equally unfitted her for breeding. No doubt the average produce of this lack of method may have been of excellent service in its way, but it was none the less "nondescript."

In England the thoroughbred or racer, the hunter, the hackney, the cob, the galloway, the Shetland, the carriage-horse, the gigster, the Suffolk Punch, Clydesdale, and other cart-horses, the Cleveland bays and black Hanoverians, have all been kept distinct, and are regularly bred. One of the first things a horseman is struck with is the crisp distinction between the several varieties, in shape, qualities, and performance. In earlier days, in America, beside the imported thoroughbreds, a strain of which has always been kept pure, there were the Canadian Norman, the Narragansett pacer, the Vermont and the Conestoga draught-horses, somewhat later the Morgan, the saddle-horse of the South, and no doubt other more or less distinctive varieties. But these gradually became intermixed, and lost their several characteristics. All horses grew to look more or less alike. Within a generation greater care has again begun to be exercised to produce horses especially adapted to certain classes of work. Capital is put back of horse-breeding, and the results are already noticeable.

Much has been written about and claimed for the Morgan horse. By many he has been thought to be a product of the Canadian Norman. But it is probable that Justin Morgan, the founder of the breed, was of excellent, if not thorough, English blood. Few horses have been able to transmit their form and qualities as did this remarkable little animal; and these were of the best as regards beauty, intelligence, speed, and endurance. Though lacking size and "quality," Justin Morgan seemed to

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possess all the virtues associated with the latter element. The Morgans have all but run out to-day, but there have been some deserving attempts to revive the breed, and for certain work they were unsurpassed.

The special product of American horse-sense is the trotter. So wonderful has been the result of our endeavors to produce a fast trotting horse that in true national style we have distanced the universe. We can easily place all the trotting horses of the world, as Colonel O'Kelly did Eclipse—"the American trotter first, the rest nowhere." The Orloff trotters brought over here from Russia a few years since, though handsome and apparently of great endurance, were so lacking in speed that racing with them became a farce. Not one of them could show a thirty-clip. To our dirt roads is partly due the speed of our driving-horses. A European turnpike would speedily use up a fast nag's legs and feet. Dirt roads are apt to continue in the country, and near cities there will always be a speeding-ground provided so long as we drive fast horses. Trickery on trotting-tracks has somewhat robbed this sport of its good repute, and Anglomania, seasoning the better breeding of the thoroughbred, has called up running as the fashionable pastime. But whoso has owned and regularly driven for pleasure a pair of fine trotters or roadsters to the typical American light rig, cannot fail to hope that the promised regeneration of the trotting-track, with all its collateral usefulness, may not be long delayed. The American roadster has no equal.

From the day, seventy years ago, when intelligent men laid their money against Boston Blue, who was matched to trot a mile inside of the then incredible time of three minutes, to the present year of grace, when the list of horses who have beaten 2:20 numbers many score, and the best trotting time is within less than half a minute of the best running speed, there has been such a marvellous advance in this problem, as well as in its corollary, fast road-horses, that it is doubtful whether there exists in the history of the horse, in any part of the world, its parallel. It took more than two centuries for the English thoroughbred to score a marked gain over his ancestor, the Arab. In a quarter of a century the trotter has made decidedly more marked progress in swiftness. The very anatomy of the animal has been changed by breeding. He is no longer what the original trotter was, but

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a fine thoroughbred creature, with as many of the points of speed and wind as the greyhound. He has, in fact, been bred too fine. He has lost his weight-pulling capacity. It is a curious fact that while the running thoroughbred has, since 1750, gained at least three inches in height, if not a full hand, the trotting horse, in some forty years, has lost in size and weight perhaps half as much. The average of the speedy horses on the track are not capable of pulling a heavy Goddard buggy in good style, let alone a carry-all and four people, or a trap built on English ideas. Our track sulkies have got down to forty pounds and our road wagons to a hundred and twenty, which equalizes the matter somewhat, but this decrease in size is to be regretted, and is, to judge from the racer, by no means a necessary sequence of trotting speed.

But the endurance of the trotting-horse is as remarkable as his speed. Perhaps there is nothing in the annals of the horse superior to Trustee, Lady Fulton, John Stewart, and Captain MacGown trotting twenty miles inside one hour; Ariel, Black Joke, and Spangle, fifty miles in less than four; Conqueror, one hundred miles short of nine hours; and Fanny Jenks, one hundred and one in nine and three-quarters. Fanny Murray and Kate are also on record as having done their hundred miles in nine and three-quarter hours. And the habit of trotting heats, best three in five, instead of dashes, proves the ability to repeat of the American stock. The exertion called for by a mile trotted in 2:10 is quite as great as that by a mile run in 1:40.

In America we are going in the direction which speed always points out, and training and racing mere colts. The temptation to realize at an early age is, of course, great with breeders; but to see yearlings running and trotting in public races calls up a serious question. Two-year-olds and even yearlings have trotted at a speed which, forty years ago, was deemed impossible at any age. Yearlings have trotted quarters in thirty-eight seconds. It is claimed by breeders that this is natural speed; that the colts are not unduly trained or pushed, and that these trials are necessary to ascertain what colts have in them, and thus weed out those which will not pay to keep an extra year. But to produce a twenty-miler, or a horse which is sound and serviceable at twenty years, one would scarcely go to work after this fashion.

There is, perhaps, no establishment more typically American than Governor Leland Stanford's breeding-farm for trotters at

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Palo Alto, California. It has no equal anywhere. The entire ranch covers some eighty-five hundred acres, and it is here that the university is to be located. There were in April, 1891, in stables, paddocks, and pasture some eleven hundred colts and horses, counting yearlings being broken to harness, and weanlings daily exercised on the "kindergarten" track. This latter is a small oval enclosure, perhaps three hundred yards in circumference, around which the colts are daily exercised, a number at a time, under instruction of a trainer, who stands in the centre with a whip. The colts are allowed only to trot. If one breaks, all are stopped and started again. Here the colts gain strength, knowledge of what is required of them, and steadiness. Everything on the ranch is of the best, from blood down, and the system of reasonable treatment is enforced on a large scale. In the paddock a colt may "fool" to the top of his bent; but the instant a man approaches him he is taught that he will be kindly treated and that he must act in a business-like way. Teasing or playing with a colt, other than "gentling" him, is prohibited. So far from a groom being allowed to strike a horse, not even an ill-tempered word, much less an oath, is permitted. The result is apparent in the uniform tractability of the colts, or, in other words, their serviceability and value. They need no "breaking," as usually understood. As yearlings they are already well trained, and have such confidence in their attendants that most of them can be harnessed and driven without difficulty.

The running horse has always been the special pet of the Southerner, who has never taken kindly to trotting. Up to the fifties many of the very best racers came from the Northern States. None came from the East, for the camp-meeting Puritan would not countenance racing—though, indeed, it may be asserted that racing has done more for the good of the community by improving the horse than camp-meetings have ever done for religion by improving man. And many were the notable contests on the track, where dollars by the hundreds of thousands changed hands, which antedated the war. But the less amicable interchanges of civil strife drove horse-racing from the minds of every one and transplanted all but the choicest horses, and, indeed, many of these, from training-stables to cavalry barracks.

In the palmy days Northern racers fully held their own. Black Maria, than whom no stancher ever stood on four pas-

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terns, was a Jersey mare; so was Fashion, by long odds the best racer of her day; Eclipse was raised on Long Island. What finer trio can be named? But the sport was more general in the South; and up to the outbreak of the war Virginia, followed by Kentucky, gained more extensive, if not better, results in runners, as their race meetings were more frequent and rivalry was stronger. A warm climate is generally most favorable to the thoroughbred. The blue-grass region is his paradise. Here, on the lower Silurian limestone, all mammals thrive. Men and women are of noticeable size and beauty. Cattle are huge. A paddock full of yearling colts or fillies gives you the impression of a lot of two-year-olds. The weight and height of the blue-grass thoroughbred average considerably more than elsewhere—unless in California.

The relative speed and stoutness of the thoroughbred and the Oriental horse have been settled long ago. Two hundred years since, the fastest runners in the world were no doubt the Arabians. These are presumably to-day much what they then were, while their English progeny has vastly improved. This is due to more intelligent breeding and to tests on the race-course affording better selection of the fittest animals to breed from. Even with an allowance of as high as forty-eight pounds, the Arab has never been able to win an English race, while in Egypt, in the fifties, Fair Nell, who, though very well bred, was not proven thoroughbred, defeated all the best Barbs of Ali Pacha with ease, at all distances, on their own ground and on their own terms. It is clear beyond a peradventure that the thoroughbred possesses speed and endurance (or, more properly, *endurance at speed*, for such is his peculiar inheritance) beyond any other horse, as he has greater beauty. His feats of gameness and pace are unmatched. To rehearse some of the old performances is worth while. Bay Bolton, at York, in 1710, ran four miles in 7 minutes 43 seconds; Eclipse, at Winchester, in 1769, in 8 minutes; Lady Elizabeth, at Doncaster, in 1833, in 7 minutes 46 seconds; Stockwell, at Newmarket, in 1854, in 7 minutes 29 seconds; Lexington, at New Orleans, in 1855, in 7 minutes 19¾ seconds; Ten Broeck, at Louisville, in 1876, in 7 minutes 16 seconds; while Black Maria, on Long Island, in 1832, ran her fifth four-mile heat in 8 minutes 47 seconds,—the whole twenty miles in 41 minutes 40 seconds! Not only do

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statistics show that the thoroughbred is superior to his ancestor, but that he is gradually improving on himself; and this present process of improvement, due exclusively to the rivalry of the turf, explains how he has gained on his Arabian cousins, who have substantially stood still for centuries.

Another comparison may be instituted between the marvellous performances which are related of ponies on the plains and the well-known records of thoroughbreds. That the latter are invariably proven, and the former rarely so, does not militate against the really remarkable feats of the bronco. But the allegation often made that the mustang can go further than the civilized horse, let alone the thoroughbred, is very wide of the truth. It is doubtful whether any wild horse ever equalled the record of the little pony which beat the mail from London to Exeter, one hundred and seventy-two miles, in twenty-three and a half hours, or of the galloway who ran three hundred miles at Newmarket in 1754 in sixty-four hours and twenty minutes; while it can safely be claimed that no wild horse ever went one hundred miles in nine or ten hours. And one thing is especially to be noted: we not only have no "record" of time and distance, but we never learn whether the great feat quoted killed the bronco; whereas the feat of the thoroughbred, to be of value, must be accomplished without material injury. Any game thoroughbred ridden until he stops will fall dead. Not so the bronco. But the latter may be ruined, and one hears of the performance, not its results. It is very rare that the great performances of thoroughbreds permanently injure them.

The comparative stoutness and speed of English and American thoroughbreds is not a fruitful topic. The matter is so evenly balanced that the different methods of running, weighting, and timing horses produce statistics out of which one can prove arithmetically anything, actually nothing. In order to pronounce definite judgment between breeds or races of horses, there must be a perceptible difference. Between the thoroughbred of England and America the advantage is imperceptible. English turf records have been authoritative only since the St. Leger, Oaks, and Derby were established, a trifle over one hundred years ago. Those of the American turf are more recent. But excellent and perfectly reliable records were published in *The American Farmer* from 1818 to 1830, since when official

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records have been kept. But from the records no superiority can be shown.

Though the odds of percentage, climate, and accident are all against success in sending American horses over to compete on the English turf, we have no reason to be ashamed of our performances and trophies, from the days of stanch Prioress to Iroquois, winner of the Derby. A time-test will not serve. In America we race from start to finish. Many an English cup has been won where the stanchest horses have not extended themselves over a distance. But, judging from all facts, while there is perhaps no valid ground for asserting that the American thoroughbred is a better stayer than the English, or more speedy, it can be maintained with certainty that he does not fall behind him in any sense. On time-tests alone the American stands higher. It is to be regretted that friendly rivalry has not brought Englishmen over here with their studs as it has with their yachts, and that it is only Americans who have crossed the ocean to test their horses. This, however, is natural enough, for the home of the turf is the mother-country.

It is probable that the average of English breeding is more careful; until lately it certainly has been, and it has extended over a longer period than our own. It is also probable that the English trainers are more expert, certainly on their own soil, than ours, at least so far as preparing for mere speed and game is concerned. But a thoroughbred from a racing-stable rarely has manners. It is scarcely doubtful that the higher class of English jockeys are the more expert. America has produced no Archer. It is not intended to refer to the average of English jockeys. Many of these men who can find no occupation at home drift over here, and are in the same category with the majority of the English grooms in American cities. But the jockeys who rise high in their profession in the larger field afforded by the English turf are artists, probably superior to any we have produced.

As fox-hunting is in America only an exotic, so we have no equivalent of the English hunter, a creature bred for his particular work, and no doubt at his best the most perfect of horses —bar none. Many of our well-bred horses turn out superb timber-jumpers; many are up to weight; but this alone does not insure success after hounds. There is too little variety in the obstacles of our country to make clever hunters. As a rule,

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thoroughbreds are flyers rather than high jumpers. Many of our horses have proven to be flyers, jumpers, and stayers under very severe tests. In leaping-contests we have done wonders. There has been no parallel to the high jumping at horse shows here and in Canada during the past few years. A number of horses have cleared six feet six of timber, while the abnormal height of seven feet has been cleared by one, if not more. These are not guess-work measurements, but accurately levelled, and the jumps have usually been made by artificial light and in cold blood. There are some traditional jumps in England, but no records equalling this. Still, mere high jumping by no means makes a hunter. These same horses were no better than many others after hounds. It will take years of cross-country riding in America to make either horse or man equal to the best English model. Our climate is neither suitable to the sport—hunting over snow scarcely sounds attractive—nor is the country such as to make it what it is in its true home in the midland counties. Too few men call for hunters here for us to expect to find the bone, courage, manners, cleverness, or strength of the English hunter, which is, without question, the animal best adapted to any and every use—except mere draught—to which a horse can be put. There is no work off the track for which he is not fit and which he is not able to do better than any other horse.

But we have none the less created in many sections of America a basis of very good sport. The obstacles are, as a rule, stone walls in Massachusetts; in New York, Pennsylvania, and Maryland, timber; in Canada, both. Hedges and water are rare. The stone walls are not high; the timber very stiff, but cleaner jumping. Probably no county in England affords such high timber-jumping as some localities regularly hunted here. Where the pace is not severe, the coarse horses do as good jumping as the thoroughbreds; trotting-stock produces fine jumpers; but in hunts where the pace is forced blood must be had. Hunting men here now ride American horses almost exclusively. Even the high-priced English and Irish horses, many of which have been imported, have done less well over our timber, and many have failed utterly. It seems to be the prevailing opinion that they showed endurance, but less jumping power than the American-bred horses, which, on the other hand, cost but a third of the

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money. Perhaps more good hunters come from the vicinity of Geneseo, N. Y., where is one of the oldest hunts in America, and from Canada, than from any other places at the present moment. Part of the thorough blood in this particular hunting-stock came from the South during or after the war. But (and this is a big word) there is in most places a plentiful lack of foxes. Our perseverance in hunting drags is certainly commendable. In Geneseo, Reynard has been longer cultivated and is more at home, and the drag is less essential. *Fox*-hunting there is common; elsewhere exceptional.

While saying everything in favor of English racing methods, and excepting always English hunting (for in this finest of all sports our British cousin is alone and incomparable), there is no doubt whatever that America furnishes the best saddle-horses. The type of hunter is so indelibly stamped on the Englishman's soul that his road-horse partakes too much of a similar character. In our Northern cities unreasoning imitation of the English type brings about the same result; in Canada a more natural process of imitation does the like; and riders, in their demand for a horse that can "gallop and jump," forget that south of Mason and Dixon's line—if there still be such an antiquated landmark—there are everywhere better saddle-beasts than any part of England can boast of to-day. Since the *manége* has been discarded from the old country, with lace ruffles and buckled shoes, the pendulum has swung too far away from the niceties of the saddle, and much that is admirable has been lost. The Briton recognizes but two gaits on the road—the trot and canter. The latter is uniformly *taboo* among men, and he is thus reduced to a simple trot. Our fashionables follow suit. Now, there is no more exhilarating, nobler gait than a square, open, sharp, elastic trot; nor, indeed, is there a better every-day wine than sherry. But to do nothing but trot on the road is on a par with a man's drinking nothing but sherry and discarding every other wine because sherry is good enough.

In the South it is usual to train horses to special gaits. Any horse can possess several distinct and well-settled gaits if a man will study to keep him pure in their performance. He may "walk," Southern style, or rack, five to eight miles an hour, single-foot up to twelve, trot from six to fifteen, and "canter all day in the shade of an apple-tree," or at a twelve-mile gait, at will. No

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man gallops on the road. The climate of the South naturally leads riders to prefer the easier gaits. But these are entirely consistent with an admirable trot if the rider desires it. And it is undeniable that the Southern thoroughbred saddle-horse is by long odds a finer mount than anything which mere imitation of English style can produce in our Northern cities. This is no place to discuss riders. But the fact is undeniable that we have at home the *perfect saddle-beast*, and that our Anglomaniacs will not use him. When one is brought east (and many are), he is at once despoiled of his fine gaits and delicate training, taught to lug on the bit, and allowed only to trot, or on rare occasions to break into a gallop. Let us hope that time will cure this. To the English we of the North are indebted for very much in athletics; especially for the new and capital habit of saddle-work. Let us look about us for the best means of keeping it up, and not despise what we have at home. Our own stock furnishes our best hunters. Let us stick to our own saddle-beasts as well, and learn from the Southerner what is best in his equitation, as shown us in the saddle-horses he can send us.

This superiority was well shown during the war in the cavalry service of North and South. For fully two years our cavalry could not compare with that of the South. Not only were our men poor riders, but the horses were not broken to saddle, and between them, as a rule, we made a sorry mess of it. But by-and-by we learned; good leaders came to the fore; our supply of animals lasted longer, and our cavalry became more than a match for the enemy. Old troopers will remember with pleasure the splendid mounts of "raider" stock which were occasionally picked up in Virginia, and how superior they were to the horse supposed to be quite fit for mounted service because he had "U. S." branded on his shoulder.

The Southern saddle-horse is of a distinct breed, having a marked strain of thorough blood. He may have originated in the Narragansett pacer. Some of these horses are known to have drifted to Tennessee. In Kentucky they speak of the thoroughbred racer, the thoroughbred trotter, and the thoroughbred saddle-horse. The first alone is of strictly thorough blood. The shape, gaits, and action of each are absolutely distinct. The racer and trotter we are familiar with. The saddle-horse has a much shorter, crisper, quicker gait. He does not extend him-

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self. He is bred for the rider's comfort ; and while he will gallop with a fine, open stride, and jump well, his peculiar value lies in the heritage of what we in the North call artificial gaits, but what to the Southerner, who rides fifty miles to our one, are the natural gaits. These rackers, or running walkers, can cover from six to eight miles an hour with such absolute freedom from motion to the riders that the feat is often performed of carrying a glass flush-full with water a mile or more in the saddle without spilling a drop. In the heat of summer this ease is essential where the saddle takes the place of wheels, and the gait is an exquisite one at all times. The horse does not tire on these gaits, though there is a general impression in States where these animals are not inbred that rackers or "walkers" cannot go a distance. In the South they go every day and all day. This suffices.

There is no special type of carriage-horse in America, but high prices are paid in the cities for handsome teams, and not even in the Bois de Boulogne can one count more superb matched pairs than are seen turning into Central Park on a fine afternoon in the season. So far we have avoided the ponderous family coach in which the dowager duchess takes her airing along the Serpentine ; nor are the equally ponderous horses known ; nor, indeed, the elaborate and heavy harnesses which cover many a straight shoulder and weak quarter. But for up-headed, high-stepping, speedy matched pairs from fifteen and a half to seventeen hands in height, which show quality in every point, our metropolitan cities have no superiors. We have found it of advantage to import English coachmen to teach us "style," as the best of them have really done ; but the material was here ready to hand, and the means are poured out with lavish hand.

Perhaps the old-time coaching was as good a test of driving-horses as can be found. The annals of English coaching are well known. The testimony of Mr. Herbert, above quoted,—and he is a good witness, being an Englishman and one of the very best horsemen of his day,—is to the effect that, taking roads into consideration, the style of work which used to be done on the post-coaches in New England and New York, principally by Vermont horses, has never been approached elsewhere. This opinion was given from an almost unequalled experience, during the prime years of coaching, between 1825 and 1831, on all the flying-roads of the day in England. And he, moreover, adds that these Ver-

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mont mares are incomparably the likeliest from which, by a well-chosen thoroughbred sire, to raise the most magnificent carriage-horses in the world.

We have in America no equivalent of the big brewer's dray-horse of England, nor, indeed, use for him. The exceptional specimen of this overgrown animal is kept for purposes of show rather than utility. The average one is slow and unable to do anything like the proportionate work of a lighter horse. Of late years sufficiently large animals have been bred for heavy city teaming from stock imported into the Middle and Western States. They lack somewhat the flesh of the English horse, but are able, speedier, and more enduring. For lighter and quicker draught work, such as is especially called for by our express companies, probably there exists no better animal than the Eastern horse or than many of the horses now bred for such purposes in the West, not infrequently a cross of the imported Percheron with native stock. For a certain class of heavy work there is no such horse in the world as the Percheron. The omnibuses of Paris and the diligences all over France are drawn by these powerful animals, and at a good, if not rapid, gait. Within their limits they are not equalled. We have nothing nearer the Percheron than the Eastern express teamster.

Perhaps the most useful of creatures in a country of smaller means than ours is the pony. Until very lately no attempt has been made to domesticate him here. Shelties are now being raised in Iowa, but principally for children's use. For the multifarious smaller duties of town and country alike, where light loads only are to be hauled, it is odd that their utility has not yet been recognized. Pound for pound the pony can vie in endurance with the ass, and has speed besides.

The ass has never been domesticated in America. Except for breeding mules, or as an occasional pet, he is unknown. He belongs to the day of small things, which we, still over-rich in raw material, have not reached. And yet he is an extraordinary little fellow. In Spain or Italy, not to instance Africa or the East, the donkey, gauging his value by the work he does and the food he eats, is worth at least a dozen of the average population. He can give any horse odds of two to one, and distance him in every day's work.

His progeny, the mule, is, however, one of our most valued

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institutions. In the South he is indispensable. We are wont to prize the very big mule, and many stand seventeen and eighteen hands, can pull extraordinary weight, and thrive on exposure which would literally kill a horse. But abroad, where economy in feed is more closely studied, the smaller mule is found to do proportionately greater work, to live longer, and to be more generally useful. During the Civil War the Quartermaster's Department found mules, on the whole, decidedly preferable to horses for economy, efficiency, health, and durability, though it took six mules to do the work of a four-horse team. The question of relative inducement to profanity in their management need not be broached.

The capacity of the country to respond to an extraordinary demand for horses was well shown during the war. "With reference to animals alone, the Quartermaster's Department supplied six hundred and fifty thousand horses and four hundred and fifty thousand mules. In the third year the armies in the field required for the cavalry, artillery, and trains one-half as many animals as there were soldiers."—(General Vincent).

THEODORE AYRAULT DODGE.

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A CAMPAIGN FOR BALLOT REFORM.

BY THE HON. E. BURD GRUBB.

THE aspect of political affairs in New Jersey in the early summer of 1889 was one calculated to dishearten and dismay the stoutest Republican, or, indeed, the honest man of any party who hoped for good government in the State. The legislature which had just adjourned had been Democratic in both branches, and its course in matters bearing particularly upon the approaching gubernatorial election was certainly calculated to excite suspicion and distrust. An attempt had been made to procure a reform in the ballot laws of the State, and a very excellent bill, drafted by Mr. Kane, the Democratic member from Middlesex County, embodying the best features of the Australian ballot system, had been brought up in the legislature and had been defeated, the Republicans voting for it and the Democrats voting against it. This bill had received the approbation and the support of the labor associations of the State. Then, three very important laws which were upon the statute book and had been for many years, and which were almost the only safeguard for an honest ballot which remained, were repealed. These were:

First, The Personal Registry Law.

Second, The so-called "Sunset Law," which provided for the closing of the polls at sunset, and which was specially directed againt the action of the repeaters, whose nefarious work is best performed in the dim light which prevails at the polls between sunset and dark in November; and,

Third, The Jury Commission Law, the repeal of which took the drawing of juries from a non-partisan commission, and placed it in the hands of the sheriffs of the counties. At the time of the repeal of these laws, it was believed and openly charged that the object was to make clear the way for fraud in the coming election.

This condition of affairs did not escape my attention, although I had never been actively engaged in politics beyond being twice

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honored with the position of elector on the Presidential ticket. I saw, with considerable apprehension, that my name was being seriously spoken of in connection with the gubernatorial nomination; at first taken up by old soldiers,—I had just finished a term as Department Commander in the Grand Army of the Republic,—and afterwards by many of the rank and file of the Republican party. I had intended to decline the nomination before the convention met and, but for the following incident, I would have done so: A few days before the convention met the Hon. Roderick B. Seymour, of Jersey City, came to my house. He had been a captain in a regiment I had commanded before Petersburg in 1864. I knew him to be a brave soldier, and, while I had not seen him very frequently since the war, I had followed his career with interest. I knew that he had been in the legislature from Hudson County, and also a judge in Jersey City. He informed me that it was extremely probable I would be nominated in the convention, and said that from his knowledge of the present condition of affairs in Hudson County it would be impossible for me, or any other Republican, to be declared elected.

He said to me: "If you come to Hudson County with 1,000 majority, they will have 2,000. If you come with 2,000, they will have 3,000; and if you come with 20,000, they will have 21,000. You cannot possibly be *declared* elected, but it is in your power to do the honest people of New Jersey a great service, if you are willing to sacrifice yourself that far." I asked him what he meant, and he then said: "If you are nominated and accept, place me on the State Committee, which you will then have the right to do. I am sure that I can bring about a fusion between the Jeffersonian Democrats of Hudson County and the Republicans. You must then make the strongest campaign you can and endeavor to carry the Senate at least, by one or two majority. The harder you make the campaign, the worse the fraud in Hudson County will be against you. We will get the matter before the Senate, and the benefit which I expect will accrue from the fusion with the Jeffersonian Democrats will be that we will get hold of the ballot boxes after election, and the ruffians will not be able to steal them away entirely. If we can get legal possession of these boxes, a condition of affairs will be shown the like of which has never been seen in this country."

I took the matter into careful consideration, and finally I gave

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my hand to Captain Seymour and told him that I would do my part of the work. He alone was in my confidence in this matter.

As soon as I was nominated, at the first meeting of the State Committee thereafter, I asked that Captain Seymour be placed upon the committee, which was done, and he immediately brought about, in the face of considerable opposition, the fusion between the Jeffersonian Democrats of Hudson County and the Republicans. The fusion was on the State Senator and some of the county officers. Turning my attention to the active work of the campaign, I found that the Republican organization in several of the counties was incomplete, the party disorganized and disheartened; and many earnest Republicans met me with the words, "It is of no use. Whatever we do, Hudson County will swamp us;" and this feeling was curiously deep and strong over the whole State.

I made the issue of ballot reform the key note in the campaign. The Democrats refused to re-nominate Mr. Kane in Middlesex, and I requested the Republicans to make him their nominee for Assembly, which they did; and this is the only case in which I personally interfered with the Assembly nominees in the State.

I made an active campaign, crossing the State five times and speaking fifty-one times in six weeks. I found the people strangely uninformed on the subject of ballot reform, and in some places I was obliged to have specimens of the Australian ballot printed and distributed at the meetings. The Democratic orators did not touch upon the subject of ballot reform at this time in the campaign, their efforts being mostly directed to interesting the honest farmers in South Jersey in estimates of how much tax would be collected the coming year upon the rails and ties of the railroads which ran through their farms, that species of taxation being openly promised them.

By the middle of October the campaign had become warm. The Republican party and many people in the State appeared to be awakening and becoming earnest and determined. Our meetings were large and enthusiastic, and in the last week of the campaign it was announced and published that the Democratic candidate for Governor had signed the pledge of the Hudson County Ballot Reform Association. This pledge was partially kept, and the present measure of ballot reform, under which the elections of New Jersey are now held, while still grossly imperfect, is a great deal better than nothing. It was wrung from the

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fears of the Democratic party in the last week of the campaign of 1889. The returns of the election declared the Democratic candidate for Governor elected by a majority of over 13,000, practically all of which was from Hudson County. Immediately upon the announcement of the returns from Hudson County, which were not given in full for some days after the election, I wrote to the Chairman of the Republican State Committee, stating that I felt sure that the result was untrue and offered to do whatever might be requisite in the premises. He replied that nothing could be done. A few days after the election a series of very able articles appeared in the New York *Times*, calling public attention to the gross and outrageous frauds which had been perpetrated at the ballot-boxes in Hudson County. Then one Republican candidate for freeholder in that county,—who was apparently beaten by a small majority,—contested the seat of his opponent and succeeded in having one of the ballot-boxes opened, in which were found 105 of the small tissue ballots which were then and there called "joker" ballots for the first time. These tissue ballots were declared illegal by the Democratic Judge, Knapp, and the seat was given to the Republican upon the majority of the regular legal ballots found in the boxes.

The gubernatorial inauguration occurred on the 12th of January, 1890. The result of the election had shown a gain of two Republican Senators, which made the Senate Republican by one majority. A resolution was presented, and passed, in the Senate, directing an investigation into the election for Senator in Hudson County of Mr. McDonald, Democrat, whose majority over Mr. Stuhr, Fusion, and the incumbent at the time, was declared to be something over 8,000. Mr. Stuhr did not contest the election in the courts, but made a protest in the Senate against the seating of Mr. McDonald. An order was obtained from the President of the Senate, directed to the officers having charge of the ballot-boxes in Hudson County, ordering them to produce the ballot-boxes before the Senate in Trenton. These boxes had been carefully watched since the election night—those of Jersey City at the City Hall, and those in the other districts of Hudson County at the Town Halls of the various townships. At this point, every obstacle was thrown in the way by the Jersey City ring, and it was not until the day before the ballots could be legally burned, that by the determined action of the Sergeants-at-Arms of the Senate, under

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the supervision of Capt. John Graham, the ballot-boxes were safely placed in the vaults of the State Capitol and carefully guarded.

A committee of three Senators, of whom two were Republicans and one a Democrat, was appointed, all the Democratic Senators voting against the resolution. The Senate Committee retained the Hon. Gilbert Collins and the Hon. William H. Corbin as counsel, and, being impressed with the duty which I owed to the law and order-loving people of the State, I requested the Hon. George M. Robeson to give his attention to the matter, and placed Capt. John Graham, who had been employed in collecting and guarding the ballot-boxes, at their disposal.

Provision for the expenses of the investigation having been refused by the Democratic House of Assembly, the committee applied to me for assistance, which I very gladly afforded them. The committee sat for nearly three months and inspected the contents of all the ballot-boxes in Hudson County. They examined eight hundred and twenty witnesses, and there were one thousand more waiting to be examined when the committee adjourned. They found no fraud, nor any suspicion of fraud, in any of the precincts showing majorities for the Republican ticket, and there were twenty-two of these showing a total honest majority of 1,422, but in the districts showing Democratic majorities they discovered, by the admission of the frightened criminal officers of election, by the testimony of hundreds of willing and unwilling witnesses, and by the incontrovertible evidence of the thousands of fraudulent ballots still in the boxes, each one a stab at the heart of popular sovereignty, each one bearing the evidence of its criminal purpose and of its criminal performance, the most ghastly conspiracy to defeat the will of the people that has ever been dragged to the light of day in the history of our State.

The ballot-box used in New Jersey in 1889 was provided with a piece of mechanism under the slot in the lid, and when the voter handed his ballot to the judge of election it was the duty of that officer to push it through the slot, and thereupon the mechanism stamped it with the name of the district, milled it in dark blue ink across the back, and punctured it directly in the centre of a round mark made in the milling. This was intended to be a safeguard against fraud, and, with even one honest officer on the election board, it probably would have been. We shall see how the Democratic officers of election in Hudson County used it.

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The Senate Committee found that in at least ten precincts there had been a wilful false count of the ballots in the box. They found that in 28 precincts in Jersey City and Hoboken nearly 2,000 Democratic ballots were counted and placed upon the strings as genuine ballots, which had been stamped, milled and punctured by mechanism other than that of the box in which the Committee found them. These were some of the infamous "joker" ballots, on light, thin paper, very small, their entire length being only as great as the width of the other Democratic tickets used in the election. These tickets were printed, stamped, distributed and used for fraud. They were intended to give an easy method of depositing two or more votes without detection, and to give the election officers stamped ballots which they could put on the strings without running them through the boxes. Many thousands of these tickets were distributed.

So secure did these scoundrels feel in the commission of their crime that they were not always careful in its concealment, for in the district of Hoboken the genuine ticket had the name correctly spelled, while upon the fraudulent tickets the name was spelled "Hoboeken." In many ballot boxes certainly hundreds, if not thousands, of ballots were found which had not been stamped, milled or punctured, while other ballots in the same box bore all these marks clearly and plainly. Many more which were punctured bore no other evidence of having been put through the mechanism of the box, showing that they had been pushed through the slot in bunches and not singly.

The repeal of the personal registry law relegated this election purposely to the provision of a former and most pernicious law which allowed names to be entered on the registry lists by the affidavits of irresponsible persons. This, by the collusion of the election officers, produced one of the worst phases of the fraud. It has been ascertained that about 12,000 fictitious names were registered. A canvass of Hudson County which I had made after the election, and before the Senate Committee met, indicated even worse than that. There was direct evidence before the committee that repeating was very extensively done. Names were used of men who had been dead many years, and their families came and testified to this. Twenty-seven men were registered from a house that was ascertained to have been torn down two years previously. Seven men were registered and voted

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as living in a certain house, and a maiden lady who there lived alone came and testified to that fact in a way that carried conviction to all, including the election officers. Evidence was produced showing that gangs of repeaters were brought from the Bowery lodging houses in New York to Jersey City, each of whom voted ten times in the Fourth and other districts.

The extent to which the substitution of false ballots, that is, the taking out of the boxes the Republican ballots and replacing them with Democratic ballots, wa spractised, it is impossible to say, but that it was done was proved. In one precinct a large number of ballots were left in the box after the counting was done. These the Democratic Judge of Election burned up.

In other districts there were indications of the same fraud. The Democratic ticket was counted as straight, no scratching or pasters being noticed by the election officers. A friend of mine at his own instance went over the ballots of a few of the precincts while the Senate Committee were examining them, and tallied nearly two thousand of my pasters which were on the regular Democratic ticket, and which had never been counted for me, but on the contrary had been counted for the Democratic candidate. The Senate Committee reported that the Hudson County Democratic Committee, composed of one hundred and twenty-nine members with their officers, met on the night before election at their headquarters in Jersey City. On a table in front of them lay several thousand of the small ballots, before referred to as "Jokers," put up in small packages, making a mass about as large as a ballot box. It is in evidence that about twenty thousand of these were printed. On the table were also packages of money, one for each precinct. The Secretary called the roll and the members came forward, one by one, and to each was handed a package of the regular tickets for his precinct and a parcel of money, and to those who would take them there was also given a package of the small "Joker" ballots. Many did take them; some did not. The report of the Committee unseated McDonald and seated Stuhr, all the Democratic Senators voting against it. The following autumn McDonald was sent to Congress, but before he went he took his seat in the Senate, Stuhr being unseated by vote of the Democratic Senators.

Soon after the majority report of the Senate Committee was made the Secretary of the Hudson County Ballot Reform Associa-

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tion presented the matter to the Grand Jury of Hudson County and asked for an indictment of the election officers. On account of the power of the ring it was found impossible to obtain an indictment for actual fraud at the ballot-boxes, but the pressure of public opinion which was then aroused, was too strong to be altogether ignored, and the Grand Jury indicted sixty-seven (67) election officers in Hudson County for conspiracy to defeat the election laws, it being supposed that conspiracy would be the most difficult charge upon which to obtain a conviction.

Of the eighty-one judges of the courts in New Jersey only five are Republicans, and none of these has jurisdiction in the State Courts in Hudson County, but the interests of law and order and of good and honest government have been nobly upheld by the Democratic Judges Knapp and Lippincott, before whom the cases were tried, and the Democratic Prosecutor, Mr. Winfield, who has been faithful and untiring in the discharge of his duty.

The Court decided to try the election officers of each precinct as an unit, and took the drawing of the jury out of the hands of the Sheriff, who was the Chairman of the Democratic County Committee, and ordered struck juries; that is, forty-eight men were selected by the Court, of whom the Prosecuting Attorney and the counsel for the accused had each the right to strike off twelve names, leaving a list of twenty-four, from which the jurors were drawn in the ordinary manner. The election officers were defended by very able counsel, retained and paid by the Democratic ring, and through all of this contest between law and order and lawlessness and disorder these now convicted criminals have lacked neither counsel, assistance nor money, and every device known to their adroit and unscrupulous aiders and abettors has been exhausted to save them from their punishment.

The first trial took place on June 23, 1890, and lasted until Monday, June 30, and the first four election officers were found guilty after the jury had been out but forty minutes. An appeal was taken on these cases on the technical ground that each prisoner was entitled to twelve challenges under the law. This, of course, would have more than exhausted the panel of the "struck jury." Pending the appeal the accused were placed under $3,500 bail, which was immediately furnished, making the total bail bonds of these criminals amount to more than $100,000, which was easily furnished by those who stood behind them. The appeal

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was defeated in the Supreme Court, and was then carried to the Court of Errors and Appeals, and after a delay of two years,—which delay, by reason of the statute of limitation, protected from indictment those who were probably the principal criminals,—in the month of June, 1892, was decided against the appellant. At last outraged justice had its due, and these pitiful tools, broken in the using, were sent to prison for various terms of from nine to eighteen months and subjected to a fine of $500 each.

Sixty-seven officers who certified to the Democratic majority in Hudson County were indicted for conspiracy to defeat the election laws. Of these, twenty-one are now in the State prison; one is out on bail, pending an appeal; twelve are in the penitentiary; one is in the City Hospital dangerously ill and not yet tried; three were acquitted; two are dead. The case against three was "nolle prossed." One forfeited his bail and paid $2,000 and has not been tried. One was fined $250. One fled and has not been arrested, and twenty-one have been convicted and not yet sentenced. Fifteen pleaded guilty.

The difficulties in obtaining this result cannot be overestimated. These criminals were aided and abetted by men who had money and power—some are known, others are more than suspected. Nothing that devilish ingenuity could devise or fear suggest has been left undone to defend and save them.

It is a terrible commentary upon the possibility of evil in our State that every known aider and abettor has been appointed to office under the State Government, and that these very criminals themselves, now clad in stripes behind prison bars, after their crime had been exposed by the Senate investigation, were appointed by the Democratic party in Hudson County as officers of the election in the spring of 1890, and conducted that election. These same criminals, after they were indicted and convicted, were borne upon the pay-rolls of Jersey City and Hudson County, and paid by the money of the people for services not rendered by them, and one, immediately upon his release from his nine months' imprisonment, under indictment and conviction for conspiracy, has been replaced in his old position and his name is now borne upon the pay-rolls of the city at $1,200 per year.

The true result of this election no man has ever known. The truth is buried so deep in heinous fraud that human probe will never reach it. But, throwing out the returns from these districts,

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whose election officers were sent to jail by Democratic courts, and taking no account of the similar frauds, all in the interest of the Democratic ticket, openly charged and in some cases clearly shown, in other counties of the State, and standing on the honest, undisputed legal ballots which were cast and counted for me, and against which not a breath of suspicion was raised in all the State, I was elected Governor of New Jersey.

I did not make a contest, for this would have aroused partisan feeling and made still more difficult, if not impossible, the great result which has been achieved. An honest election can now be held in New Jersey. I have proved that three years ago this was impossible.

The honest people of New Jersey will always revere the memory of Judge Knapp, who fell dead in the discharge of his duty, fighting against the crimes of these very men, and those behind them. They will honor Judge Lippincott, the honest and incorruptible Jerseyman, who despises that which is evil and supports faithfully and loyally that which is good—and they will not forget the services of Charles Winfield, the Prosecuting Attorney, whose untiring zeal and fiery eloquence have been more than a match for the powers of evil which were arrayed against him; neither will they forget the services of Capt. John Graham of Jersey City, an honest, faithful, and fearless Republican, who has followed these felons to their den and dragged them to the light of day, and whom I have seen bruised, bloody and beaten in the discharge of his duty, but who, when once he seized his man, never relaxed his grip until he had him safe in jail.

As for myself, the people of New Jersey may remember that in the last sentence of my letter accepting the nomination for Governor, I said I would rather be defeated in a fair and honest contest than receive an election tainted with any suspicion of fraud at the ballot-box.

I have not changed my opinion.

EDWARD BURD GRUBB.

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A BLOW AT THE FREEDOM OF THE PRESS.

BY HANNIS TAYLOR.

IT IS rather a startling statement, and yet one which is deliberately made without any qualification whatever, that under the Constitution of the United States, as lately construed by the Supreme Court, Congress possesses the same censorial and despotic power over *the intellectual contents* of all communications, written or printed, open or under seal, which pass through the mail, that was exercised at the end of the middle ages under those European systems which denied the right of all literature to circulate, save "such as should be first seen and allowed."

In the judgment lately rendered in the freedom-of-the-press cases,* the first in which the rights of the press under the federal constitution were ever presented for adjudication, it was held that the limitation in the First Amendment, which expressly provides that "Congress shall make no law . . . . abridging the freedom of speech or of the press," in nowise restrains the autocratic power of that body to look into the contents of all documents passing through the mail, and to exclude all, when *the ideas* which they seek to disseminate are "condemned by its judgment." Or, as the Court itself has still more pointedly expressed it, the federal government has the right "to refuse the facilities for the distribution of matter deemed injurious by Congress to the public morals;" it may decline "itself to become an agent in the circulation of printed matter which it regards as injurious to the people." Congress may refuse "to assist in the dissemination of matters condemned by its judgment, through the governmental agencies which it controls."

There can be neither cavil nor question as to the result which has been reached; the declaration has been clearly and curtly made that Congress possesses the autocratic power to exclude from the mail every document, public or private, political, religious or

*_In re_ Rapier, _In re_ Dupré, 143 U. S., 110-135.

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social, whenever the ideas or principles which it seeks to disseminate are "condemned by its judgment," as injurious to the people. The only possible restriction which rests upon this new-born despotism is embodied in the proviso that Congress does not possess "the power to prevent the transportation in other ways, *as merchandise*, of matter which it excludes from the mails." In other words, the Court holds that that clause of the constitution which expressly prohibits Congress, by name, from passing any law abridging the freedom of speech or of the press, guarantees to the people no right whatever to disseminate their ideas through the only agency which Congress controls, provided that body does not attempt to interfere with their transportation, as merchandise, over routes which it does not control. The circumstances under which this judge-made proviso—a proviso which has prostrated at a blow the bulwark which the fathers fancied they had built up between Congressional tyranny and freedom of opinion—came into existence, constitute one of the most remarkable episodes in our judicial history.

With the advent of the art of printing the press was everywhere in Europe subjected to a rigorous censorship, the essence of which was the right of the church or state to say beforehand that no book or paper should circulate when the preliminary license was withheld by the functionary or council possessing the power to grant or withhold the *imprimatur*. During the reign of Elizabeth the general regulation of the rights of printing and publishing was actively assumed in England by the supreme censorial authority of the age, the Star Chamber, and when in the reign of James I. the first newspaper made its appearance the novel and obnoxious form of public discussion which it introduced was promptly silenced by its imperious mandate. When, upon the fall of the Star Chamber, the censorship passed for a time from the Crown to the Parliament, the restraints previously imposed upon freedom of discussion suffered no relaxation.

After the Restoration the entire control of printing and publishing was resumed by the Crown and placed in the hands of its agents, under the licensing act of 1662, which substantially embodied the iniquitous system the Star Chamber had administered. That act, originally limited to two years, was renewed, with a short intermission, down to 1695, when the whole censorial system perished forever in England through the refusal of the Com-

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mons in that year to reënact the statute by which it was upheld. The practical result of this silent revolution was to forever withdraw from the Crown and the Parliament that despotic censorial power which they had so long exercised over opinion, through the irresponsible agency of political functionaries. After the censorship was thus overthrown by the failure of the licensing act in 1695, the only restraints which remained upon the freedom of opinion were the judicial restraints embodied in "the law of the land," which were only enforceable through the judgments of courts based upon the verdicts of juries. And yet, even after that point had been reached, it was found that the battle had been but half won, for the reason that, under "the law of the land," as construed by the judges, with Mansfield at their head, it was held that the main question—the character of the utterance itself—was a question for the judges alone; while only the subordinate and not often disputed fact of publication could be submitted by the accused to a jury.

Such was the doctrine persistently enforced in Westminster Hall in that famous series of prosecutions for criminal libel which, beginning with the prosecution of Wilkes in 1763, continued until after the adoption of the first ten amendments to the Constitution of the United States. In these, as in all other cases of criminal libel, "the only material issue for the jury to try, was whether the paper was libellous or not; and this was emphatically declared to be entirely beyond their jurisdiction. *Trial by jury was the sole security for the freedom of the press*; and it was found to have no place in the law of England."* Against this monstrous usurpation of judicial power it was that Erskine thundered until his voice so stirred the English people that, by the declaratory statute known as Mr. Fox's Libel Act, introduced in 1791, and passed in 1792, the high court of parliament itself adjudged that the constitutional law of England had ever been, and ever should be, as Erskine had so long and so brilliantly contended. The heart of that contention was that the essence of that freedom which Englishmen call "the freedom of discussion," and which Americans call "the freedom of speech and of the press," is the right of every one to say or print whatever he pleases subject only to the censorial power which resides in juries alone. Or, as a great authority has lately expressed it, "Freedom of discussion

* May's "Const. Hist.," vol. ii., 114.

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is, then, in England little else than the right to write or say anything which a jury, consisting of twelve shopkeepers, think it expedient should be said or written."* When—a century after both the Crown and the Parliament had abdicated forever all right to interfere with the freedom of discussion—the principle was thus finally settled that the legality or illegality, the *morality or immorality*, of the contents of any book, letter or newspaper circulated in England could only be considered and passed upon by a jury fresh from the ranks of the people and imbued with their sentiments, the keystone was put into the arch upon which the whole fabric of Anglican freedom of opinion, on both sides of the Atlantic, has been superimposed.

It so happened that while Erskine was waging his majestic warfare for the establishment of that liberty, which Lord John Russell has called "the guardian and guide of all other liberties," the federal convention of 1787 met for the performance of its duties. It is not, therefore, strange that the din of the conflict which was then rife in the streets of London and in Westminster Hall should have impressed the American people with the necessity of carefully guarding the freedom of speech and of the press alike against judicial tyranny and Congressional interference. Although the earnest effort made in the convention to insert a special limitation to that effect in the original constitution failed, simply because it was deemed unnecesary, the matter was not lost sight of. The instant that it was settled that the new constitution was to be supplemented by amendments which were to embody a bill of rights, five States sent up to the first Congress, in as many different forms, the suggestion out of which was carved that clause of the First Amendment which expressely forbids Congress, by name, from making any law "abridging the freedom of speech or of the press." Thus was this vital provision set in the forefront of our National Bill of Rights as the corner-stone upon which our free constitution was to rest for all time.

As the formulated outcome of a then recent revolution, the plain, obvious, and settled meaning of the term, "freedom of speech and of the press," was at the time of the adoption of the First Amendment known to all men, even to the judges. It was perfectly well understood by everybody that the clause in question was intended to deny to Congress the power to erect in this

* Dicey's "The Law of the Constitution," 231.

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country that kind of a *political* censorship which had passed away from the Crown and the Parliament a century before the American Revolution began; that it was intended to deny to the judges the right to establish that kind of a *judicial* censorship which Mansfield had struggled in vain to uphold; that it was intended to guarantee to every American citizen, so far as the federal government was concerned, the right to speak or write what he pleased, subject only to the censorial power which resides in juries alone. So perfectly was this principle understood that when in 1798 the Congress, through the infamous act known as the Sedition Act, struck its first blow at the freedom of the American press, it was careful to provide that all accusations which should be made under it must be tried by juries armed with the power not only to pass upon the fact of publication, but upon the vital question involved in the subject matter of the publication itself.

It had not at that time entered into the brain of any American jurist, statesman, or partisan that Congress might, in the very teeth of the First Amendment, assume censorial powers, and withdraw from juries the right to consider the supreme question whether or no the subject matter of a publication is moral or immoral, legal or illegal. And at a later day, when it became necessary for Congress to prohibit the circulation through the mail of immoral literature, the same constitutional guarantee was kept steadily in view. There can be no question that under the original grant of authority to Congress "to establish post-offices and post-roads," plenary power was given to regulate the entire postal system of the country, subject only to the subsequent limitation that in the exercise of such control it shall make no law abridging the freedom of speech or of the press,—the plain and simple meaning of which is that no one shall be punished on account of the contents of any document sent through the mail until a jury has first determined, under "the law of the land," that the same is either immoral or illegal. Frankly recognizing this historic limitation upon its powers, Congress, in the perfectly constitutional statute forbidding the circulation through the mail of immoral and obscene literature, expressly provided that in all such cases the fact whether the contents of any given publication is immoral or obscene can only be considered and passed upon by juries alone. In the leading case of U. S. vs. Bennett, 16 Blatch., 343, the judge in submitting the only ques-

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tion at issue to the jury said: "The only question, therefore, which you are called upon to decide is whether or not the book is obscene, lewd or lascivious, or of an indecent character. Now you have had this book in your hands, and the district attorney has marked certain passages as the matter you are to determine upon." Here the whole matter is reduced to its narrowest possible compass. The act against the circulation of immoral literature, which was not drawn in a paroxysm of excitement, exhausts the entire constitutional authority over the intellectual contents of documents passing through the mails that Congress can exercise. By virtue of the law of criminal libel, which is part and parcel of the First Amendment, Congress can punish every offender who sends an immoral or obscene publication through the mail, leaving it to a jury alone, under the constitutional guarantee, to determine in each case what publications are immoral. When that act was passed, it never occurred to Congress that it might, by flatly ignoring the First Amendment, re-create the mediæval censorship and establish an "*Index Expurgatorius*," for all such publications as its arbitrary judgment might deem obscene or immoral.

If the decision lately made by the Supreme Court,—to the effect that all communications may be arbitrarily excluded from the mail, when the ideas which they seek to disseminate are "deemed injurious by Congress to the public morals,"—be a sound one, then at its next session Congress may amend the act against immoral literature by incorporating into it a black list of all the books and papers which have passed under the ban of its censorial judgment. Of course, in such a list Congress can, if it sees fit, enter the New Testament alongside of the works of Voltaire; and when the Christian shall cry out against the sacrilege, and the heathen shall rage against the injustice, the short answer can be given that the Supreme Court has said that Congress, while in the exercise of its power to regulate the intellectual contents of the mail, is as supreme and infallible within the contested domain of morals as the papacy itself,—that its autocratic discretion is, within that domain, absolutely unrestrained by any limitation whatever. Thus, through an *ex cathedra* revelation from the Supreme Court, made at the close of the nineteenth century, and in a land which poses in the garb of "Liberty enlightening the world," *the dogma of the infallible State* has been set up as the counterpart

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of the dogma of the infallible Church. There can hardly be a doubt that neither Congress nor the Supreme Court would have permitted themselves to be dragged into this grotesque position, so dangerous to the future liberty of the country, had not both bodies been seduced by the fatal argument that the vastness of a temporary evil which they were called upon to suppress, and which they alone could suppress, justified the sacrifice.

Never until the passage of the act known as the anti-lottery law, approved Sept. 19, 1890, did Congress ever venture to assert that it possessed the power to exclude newspapers and other publications from the mail by reason of their contents. That act, although designed to destroy the Louisiana State Lottery Company, operates directly upon the publishers of all American newspapers who claim the right to print what they please, subject to the limitations which the First Amendment embodies.

Two publishers who resolved to resist the power of Congress to exclude their newspapers from the mail, because they had seen fit to print in their columns matter concerning a subject which that body had proscribed, in due time presented the constitutional validity of the act for adjudication in the Supreme Court of the United States. In the cases there presented the contention was clearly made that the power originally vested in Congress to regulate the postal system of the country was afterwards expressly fettered and limited by that clause of the First Amendment which forbids Congress, by name, to make, in the exercise of its regulating power, any law "abridging the freedom of speech or of the press;" that that formula is an historic one whose settled meaning, in both the English and American precedents, is that the *legislative* department of government can never consider or pass upon the morality or immorality, the legality or illegality, of anything that may be said or written by citizen or subject; that the character of all utterances, whether written or printed, presents purely a judicial question which belongs to juries alone; that the attempt made by Congress to adjudicate that all publications or other utterances touching the business of a lottery are *per se* immoral, is a gross usurpation of judicial power.

As it was the first time in the history of the Republic that the publisher of an American newspaper had ever sought protection at the hands of that Court against what he claimed was a gross attempt to violate his rights upon the part of the American Con-

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gress, it was certainly to have been expected that an exposition would have been made worthy of the subject and of the occasion. But the Court deemed otherwise. In a brief statement from the Chief Justice the announcement was made that the Court held the act constitutional because the question at issue had been adjudicated adversely in the case of *ex parte* Jackson (96, U. S. 727), a case which arose twelve years before the rights of the press in the mail were ever assailed, a case in which no one connected with the press appeared, and in which its rights were neither involved nor represented. The statement thus made does not pretend to be an independent adjudication; it simply purports to be a reiteration of what had been said in *ex parte* Jackson.

The leading purpose of this review will be to demonstrate (1) that no *adjudication* as to the freedom of the press was made, or could possibly have been made, in *ex parte* Jackson, that what was there said on that subject was the veriest of all *dictums;* (2) that in the *dictum* which then first saw the light appeared the judge-made proviso which has practically eliminated the freedom-of-speech-and-of-the-press clause of the Constitution by excluding it from the only field in which it was ever intended to operate; (3) that the only reason ever given for the creation of that judge-made proviso rests upon a mistake as to an historical fact.

In *ex parte* Jackson the only party before the Court was a person who had deposited in the mail "a circular letter concerning a lottery offering prizes," in violation of a statute forbidding the mailing of such "a letter or circular." At that time there was no law in existence which pretended to interfere with the circulation of newspapers through the mail in any manner. The right and the only right involved in the Jackson case was the "freedom of speech," a right kindred to but not identical with the "freedom of the press." The constitution clearly distinguishes between them, and provides for their protection in separate phrases. The only adjudication which possibly could have been made in the Jackson case was as to the "freedom of speech," and the inexplicable fact is that counsel utterly failed to present, or the Court to suggest, the one clear and historic ground upon which that right has ever depended. So long had it remained unassailed that its very nature and history had been forgotten. The short answer to the whole matter was that Congress could not exclude the circular in question from the mail, by virtue

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of its contents, for the reason that the sender had the right under the First Amendment to have the legality or illegality of its contents passed upon by a jury of his peers before any penalty whatever could be imposed upon him. And yet, without ever considering the one simple question really involved in the case, the Court held that the political department of the government could take the jury's place and make the adjudication. Not content, however, with thus trampling upon the vital right actually before it, the Court felt called upon to go outside of the record in order to define what would be the rights of newspapers in the mail whenever a future statute should be passed forbidding their circulation through that channel. While thus engaged in the domain of purely abstract speculation in regard to the rights of the press, which were not presented for adjudication until thirteen years thereafter, the Court encountered an obstacle which seemed absolutely to bar its way to the conclusion which it was necessary for it to reach in order to make its policy for the suppression of lotteries complete and "thorough."

Only once before the Jackson case arose had the question of the power of Congress to exclude publications from the mail, by reason of the ideas which they sought to disseminate, been discussed by the jurists and statesmen of the country, and that was in the memorable debate which took place in the Senate in 1836 upon the report presented by "the select committee to which was referred that portion of the President's message which relates to the attempts to circulate through the mails inflammatory appeals to excite the slaves to insurrection." In the midst of great excitement President Jackson appealed to Congress to pass a law to exclude such inflammatory appeals from the mail, and Mr. Calhoun was appointed chairman of a select committee of the Senate. After an exhaustive examination of the whole subject, and with every motive to reach an opposite conclusion, Mr. Calhoun reported in the most emphatic terms that the First Amendment absolutely prohibited Congress from excluding any communication from the mail by reason of its contents. As a way out of the difficulty, however, he suggested that Congress could pass a law authorizing any deputy postmaster in any State or Territory to refuse to deliver any newspaper or other publication touching the subject of slavery where, by the local law, their circulation was prohibited. In reply to that untenable position, which attempted to

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find in the States a power Congress had not, Mr. Webster delivered the clearest and most exhaustive exposition ever made of the freedom-of-the-press clause of the constitution considered as a direct limitation upon Congressional power. With him there was no fumbling, no lack of historical knowledge. Diving at the central question, he at once perceived that the limitation in the First Amendment was intended to be applied to powers which Congress really possessed and not to powers that it did not possess; that its plain purpose was to guarantee to newspapers the right to circulate *through the mails*, the only means of circulation which Congress could control, and not *outside of the mails*, by means of transportation which Congress could not control. "What was the liberty of the press?" he asked. "It was the liberty of printing as well as the liberty of publishing, in all the ordinary modes of publication; *and was not the circulation of papers through the mails an ordinary mode of publication* ?" Guided by his unerring legal instinct he then declared that any attempt by Congress to exclude publications from the mail, by reason of their contents, would be a gross usurpation of judicial power. He said it would be admitted that if a newspaper came directed to him he had a property in it; and how could any man then take that property and burn it without *due form of law*? And he did not know how this newspaper could be pronounced "*an unlawful publication* and having no property in it *without a legal trial.*"*

Mr. Clay, who took part in the debate, concurred in the result of these views, and the Senate refused to tamper with the matter at all. Such was the character of the lion which stood in the path of the Supreme Court when it undertook to create the grim and novel doctrine which first saw the light in the *dictum* announced in *ex parte* Jackson. To sweep away at a brush a conclusion in which Webster, Clay, and Calhoun had concurred, through a process of argument at once invincible and historic, was a serious undertaking, and yet the Court was undaunted. At the critical moment necessity became the mother of discovery. The Court suddenly found out that the superficial thinkers who had taken part in the debate of 1836 had reached an erroneous conclusion, because they had fallen into a fatal error as to a vital branch of the subject. That discovery is thus expressed:

*For the best report of Mr. Webster's speech, see Benton's "Thirty-Years' View," Vol. I., p. 586.

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"Great reliance is placed by the petitioner upon these views, coming as they did, in many instances, from men alike distinguished as jurists and statesmen. *But it is evident that they were founded upon the assumption that it was competent for Congress to prohibit the transportation of newspapers and pamphlets over postal routes in any other way than by mail;* and of course it would follow that if, with such a prohibition, the transportation in the mail could also be forbidden, the circulation of the documents would be destroyed, and a fatal blow given to the freedom of the press. But we do not think that Congress possesses the power to prevent the transportation in other ways, as merchandise, of matter which it excludes from the mails."

Thus it was that this judge-made proviso came into existence which declares that the First Amendment guarantees to the citizen no right whatever to send his communications *through the mail*, provided that Congress, after it has excluded them from the only practicable channel of circulation, does not "prevent (their) transportation in other ways, *as merchandise.*" For the making of this judicial revolution, for the overturning of the perfectly sound conclusion reached in the debate of 1836, only one reason has ever been given, and that is that the "jurists and statesmen" who took part in that debate utterly missed the mark through the false "assumption that it was competent for Congress to prohibit the transportation of newspapers and pamphlets over postal routes in any other way than by mail."

What was said and written during the debate of 1836 is a matter of record; and, after a very careful examination of that record, the assertion is made that the only person who really had anything to say as to the power of Congress to control the transportation of documents "over postal routes in any other way than by mail" was Mr. Calhoun; and, as his report shows, he emphatically declared that Congress could *not* exercise any control over their transportation in that manner. In his anxiety to emphasize the want of power in Congress to abridge the freedom of the press at all, Mr. Calhoun said, by way of antithesis, that if it were once conceded that Congress could exclude documents from the mail, by reason of their contents, some extremist would claim next that Congress could declare all roads post roads, and then extend the exclusion to their transportation even in that manner.

Thus, out of Mr. Calhoun's solemn and convincing argument that it would be *monstrous* for any one to contend that Congress could hinder the transportation of documents "over postal routes in any other way than by mail," has arisen the charge that he

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and all others who took part in the debate of 1836 were befogged by a diametrically opposite "assumption."* When the fragment from Mr. Calhoun's report which the Court has quoted is taken with the context, it is obvious that the Court has read an affirmative where a negative is written. The misapprehension is clearly the result of a hasty reading of a long document.

From what has now been said it clearly appears that the judgment rendered in the freedom-of-the-press cases rests alone upon the *dictum* announced in *ex parte* Jackson; and that the only reason ever given for that *dictum* rests upon nothing more substantial than a palpable mistake as to an historical fact. And yet the sad truth remains that by the phantom hand of the "legal fiction" to which that *dictum* has given birth the beacon light of free thought, which the fathers set upon the housetop of the constitution, has been for a time extinguished. Sir Henry Maine, in his great work on "Ancient Law," has told us that the most subtile and irresistible device ever employed by judges to change the effect of positive laws and constitutions, without changing their outward form, is what is known to lawyers as a "legal fiction." "The *fact* is that the law has been wholly changed, the *fiction* is that it remains what it always was."

The *fiction* set up in this matter is that the right of a citizen to have his communications transported, as merchandise, *outside of the mail*, over impracticable routes which Congress does not control, fully satisfies the terms of the First Amendment.

The *fact* is that the power now recognized in Congress to arbitrarily deprive the citizen, *without a legal trial*, of the right to send his communications *through the mail*, the one agency which it does control, takes away the only substantial right which the First Amendment was ever intended to guarantee to him.

Such a result, so at variance with all reason and all precedent, cannot of course be permanent. This new-born heresy—created to meet a special emergency—will be utterly repudiated by the American people the moment that the despotic and irresponsible power over opinion, with which the fiat of the Supreme Court has armed Congress, is applied, as it surely will be, to some subject which will arouse and quicken the public conscience.

HANNIS TAYLOR.

* The report may be found in full in Niles' "Register," vol. 49, 408-411.

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INTERNATIONAL YACHTING.

BY THE EARL OF DUNRAVEN.

THAT yachting is the most charming of pastimes and yacht racing the most engrossing of sports, is a proposition so practically self-evident and so scientifically sound as scarcely to require elaboration in argument, especially among English-speaking people, for in their hearts the sea, and life thereon, inspire genuine joy. Exceptions of course exist in those unfortunate human beings whose torpid natures are incapable of thrilling to enthusiasm of any kind for anything or anybody; and in others whom the sea dislikes or who dislike the sea. To them the sea says nothing. They may be pitied and dismissed. But most of us love the sea and love it greatly, as indeed we must if we love it at all, for dear ocean is a mistress claiming much because giving much. Lovely, exacting, and imperious, she expects the devotion and homage that her beauty and the happiness she can bestow entitle her to demand. She will brook no half love; no qualified affection or conditional devotion will satisfy her; we must either love her or hate her; she is either very kind or very cruel to us.

Some men, it is true, pretend to like yachting, because other men or—what is more likely—because some women yacht; but in reality they hate it, and are happy only when viewing the delicate proportions of their ship from a point of stable equilibrium on the pier or promenade. By such half-hearted lovers fair ocean will not be wooed. Owing to some deficiency or superfluity of nature, which, alas, medical aid is powerless to supply or remove, their most heroic efforts fail in producing that nice balance of the emotions which results in sensational unconsciousness of the movements of a vessel at sea. Much to be pitied are they. The man who would be a sailor but is sea-sick is worthy of commiseration; not so he that is not sea-sick and yet loves not a life at sea; such an one is an immoral person, a waster of a precious gift, and as such should be thrust beyond the pale of the church and, what is

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infinitely worse, cast out of the confines of "society." But to the man or woman who takes real delight in the sea, who drinks in the salt freshness of it, who loves the ever-living play of sun and shadow on the waves, who revels in the delicious laziness of calms, whose spirits rise with the breeze, and to whom it is pure exhilaration to guide and watch the little ship fighting like a live thing with the storm, to the happy human creature who, being something of a "sailor-man," takes pride in his ship, yachting is the finest, cleanest, most pleasurable and most healthful pastime in the world.

And yacht-racing is and always will be superior to any other sport in the eyes of those who, in addition to the love of sea life, take delight in keen competition, watching the exercise of some of the highest human qualities, and the exhibition of consummate skill, and in seeing the human intellect patiently and scientifically applied to a problem infinitely intricate and exceedingly difficult to solve. And truly the problems presenting themselves to the designer, sail-maker, and sailing-master of a racing vessel are complicated to the last degree.

How most successfully to drive a body through the water by the means of the motive power of the wind acting upon the sails, is the question that puzzles men and turns them gray-headed before nature should have thinned or whitened their locks. The designer has not merely to discover the form of solid body which at various rates of speed will excite the smallest degree of resistance in passing through the water: for the body is not solid. It is hollow: it must have buoyancy and suitable accommodation for all the living and dead freight on board. It must possess stability, real and acquired—that is, natural, by means of breadth, and artificial by means of ballast—if the expressions are allowable. It does not proceed on a level keel or at any uniform angle, but at angles varying at every moment, and the contour of the body must be adapted to these various angles. Neither does the wind exert its force upon it from a fixed direction, nor propel it through water uniformly smooth or constantly rough. On the contrary the propelling power strikes from various angles on the surface of the sails; and the sea, as we all know—and some of us to our cost—has a reprehensible habit of becoming on the shortest notice agitated in the most disagreeable manner.

Every point of sailing suggests an appropriate and different

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form of hull. The shape that is well adapted for one kind of weather is ill adapted for another sort; vessels that move as by magic in light airs, may be of little use in a wholesale breeze; one that is by no means a flier in smooth water may be very hard to beat in a seaway; in short a vessel must be light enough to be driven easily by a moderate breeze, stiff enough to stand up to her canvas in a hard wind, shallow enough to be docked with ease and to run with speed; she must have depth enough to hold her up to windward, breadth enough to give her stability; she should be long enough to reach well and short enough to turn well to windward, low in the water so as not to hold too much wind, with plenty of free board to keep the sea off her decks. The satisfaction of any one requirement necessitates something antagonistic to some other requirement equally clamorous for satisfaction. Your vessel, to be perfect, must be light, of small displacement, and with the centre of gravity brought very low; she must also have large displacement, and the ballast must not be too low in order that she may be easy in a seaway; she must be broad, narrow, long, short, deep, shallow, tender, stiff. She must be self-contradictory in every part. A sailing ship is a bundle of compromises and the cleverest constructor is he who out of a mass of hostile parts succeeds in creating the most harmonious whole. It is not strange that designers pass sleepless nights, and that anything like finality and perfection of type is impossible to conceive. No wonder that yacht-designing is a pursuit of absorbing interest.

And what is to be said about the sail-maker, the artist whose business it is to cut the cloth so as to obtain the greatest amount of energy from the wind? Numerous considerations must be weighed and balanced in his case also. The shape which will secure the best angles at which to present the canvas to the wind, and from which the wind will glance off the sail with the least possible friction, has to be sought for. It may to the ignorant seem easy to cut sails, but in reality it requires a genius to do so. And when the whole fabric—hull, spars, sails, rigging, and gear—is completed, and that most marvellous product of the human intellect and of human workmanship, a racing yacht, is intrusted to her proper element, and floats upon the bosom of the sea, what is required of the men who sail her and above all of the man who directs their work?—courage, nerve, endurance, the faculty of commanding men, intense quickness, consummate judgment, and

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of course perfect technical skill in the handling of his ship—a combination of rare qualities rarely to be found in one man. A ship is like a live thing, like a charming, fractious, contradictory, incomprehensible, altogether delightful female creature. She has her moods, as all will agree who have struggled with them. One day she will sail, and the next day she will not sail a bit. She will be sulky and dissatisfied with something—goodness knows what—with herself, or you, or neither, or both, for an hour and two, and then suddenly becoming sweetly good tempered for some utterly undiscoverable cause she will act with the docility of an angel.

It is this human waywardness of disposition in inanimate matter, and the knowledge that there is a cause for it all, if only it could be found out, that lends so unflagging an interest to yacht-racing. And it is the man who can best trace back effects to causes that makes the best sailing-master. The faculty is instinctive and inherent in some gifted individuals. The racing skipper is not made; like a poet he is born. Much might be written on this theme; but after all the best proof of it lies in the fact that the first-class designers, sail-makers and skippers on both sides of the Atlantic may be counted on the fingers of a man's hands.

Of the intrinsic delights of the sea, the charm of the independent life, I have not space or power to speak. From habit and historical association, from the persisting strain of the old roving Scandinavian blood in their veins, the sea is beloved by English-speaking men, and they will understand what I cannot express. Enough has been said, I think, to justify my eulogy of yachting and yacht-racing as pastimes appealing most strongly to the sporting instincts, the manly qualities, the natural emotions, and the cultivated intelligence of man. This also must be said, that the sport is free from cruelty, from fraud, from everything that casts a taint upon almost every other form of sport. It is wholesome, clean and sweet savored throughout. The decay of such a sport would be a matter of deep regret for these reasons, and for others of a more purely practical kind.

I shall not be overestimating the value of our English pleasure fleet if I put it at not far short of £10,000,000. It finds employment for some 6,000 or 7,000 men at sea, and for many thousands more engaged in various industries on shore. Of the tonnage and value of yachts sailing under the stars and stripes, and of the number of hands employed in them, I have no means of forming an

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accurate estimate, but no country is so richly endowed by nature with facilities for yachting as the United States, and in none has the sport established itself more firmly in public estimation. In France yachting has latterly made surprising growth.

A pastime such as this, rearing and supporting a numerous and most skilful race of seamen, and encouraging industries of such dimensions by land and sea, is a matter of national importance; and that it is appreciated by nations with whom yachting is not, as it were, indigenous as with us, is proved by the encouragement given to it on the continent of late years. In Austria the Imperial and Royal Yacht Squadron has been founded, and, largely owing to the energy and practical knowledge of a man well known to all British yachtsmen, the Rear Commodore Prince Batthyâny-Strattmann, bids fair to become a pronounced success. The Emperor is the patron, the Arch Duke Carl Stephan—a thorough sailor—is Commodore, and the club, though barely two years old, numbers already 220 members. Tne future of yachting seems secure on the East side of the Adriatic.

In Germany we see the Emperor purchasing the "Thistle" and taking the keenest personal interest in her. Prince Henry—than whom no better yachtsman exists—owns the "Irene;" and, with such good examples to show the way, yachting will surely flourish in the Baltic. It will doubtless receive a wholesome stimulus when Kiel is made more easy of access to British yachts by the opening of the canal; competition will increase, and competition is the life of yachting. All this is very hopeful. No lurking danger of decay in yachting would, judging by these facts and figures, appear to exist. But there is, unfortunately, another side to the question. An aspect of the case not quite so favorable must not be shirked. In yachting the root is sound enough, but decay does appear to have set in at the top.

Yacht-racing in the large classes is dead in England and America; or, let us hope and say, is in a state of suspended animation. For this lamentable fact no doubt the preference for steam over sail evinced by men rich enough to afford large vessels is largely accountable; but it is due also to a considerable extent to two other causes, namely, the change that has taken place in racing of late years, and the absence of any special incentive in the shape of a prize or trophy of which the owner of a big vessel might be properly proud. Cruisers and racers (I use

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current expressions though the terms are impossible of definition) tend to become distinct to a certain extent; and to a much greater extent cruising and racing differentiate more and more. In old days men lived and sailed about in big cutters and schooners, and occasionally raced them. Nowadays men race their vessels and occasionally cruise about in them. This change of habit, though small, produces large result, because if a man wants a craft for racing and practically for nothing else, the smaller classes naturally attract him. In them the cost is infinitely less and the proportion of prize money to expenses far greater. The sport to be obtained in proportion to expense and trouble is much greater also. Hence while we see the larger classes dying out, the sea is white with the tiny sails of numerous mosquito fleets. The more little ships that are built, and the more amateurs that steer, sail, and work them, the better for the sport; but at the same time it would be a thousand pities if the days of the big cutters were forever gone; for albeit the small and comparatively small classes offer first-rate sport, and afford the best possible school for making sailors, nothing can compare in interest with a contest between half a dozen representatives of a large class. A big racing cutter is the real thoroughbred of the sea. Against natural causes—the tendency of racing to become distinct from cruising, the redundancy of regattas, the adoption of steam, it is useless to repine, but can nothing be done to neutralize these antagonistic influences and to revive the large classes? I think so. What is wanted is something to make it worth men's while to build; not money, because to a man who can afford to build and maintain an 80 or 90 foot cutter it makes very little difference whether a prize is worth one or two hundred pounds; but something worth striving for, something conferring honorable distinction, some trophy that a man may win with pleasure and hold with pride. Such a blue ribbon of the sea does not exist. It ought to. I look to International racing to save the day.

When I come to consider what is to be recorded about International racing, truth compels me to sum it all in the one word, "nothing." It is true that one of the first races of which we have any knowledge was of an international character. In 1662, King Charles II. sailed his British built "Jamie" from Gravesend to Greenwich against the Dutch built "Bezan," belonging to the Duke of York, for £100, owners at the helm, and won.

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Whether it be that all the energy available for a long series of matches expended itself in the one stupendous achievement of an international race with kings at the stick, I know not. But certain it is that in spite of so superior a beginning nothing further occurred in that branch of the sport, until certain British yachts crossed the Atlantic in the vain endeavor to win back the America Cup. The history of international racing may therefore be said to consist of a record of the races that have taken place in United States waters for the America Cup—for though the Royal Victoria Yacht Club presented a very handsome cup, value £500, in 1891, their generosity has as yet produced no result.* Though for years the America cup has been held by the New York Yacht Club as an international trophy open to challengers through the yacht clubs of all nations it has produced only seven races; and without saying anything derogatory of the vessels competing it must be admitted that but few of the attempts can be considered as worthy of the occasion. Neither "Cambria," "Livonia," nor "Galatea" can be looked upon as fairly representative of English racing yachts. In 1870, the year before she sailed in America, the first named schooner sailed seven races and two matches, and was beaten in both matches, and won only one race. In 1871 "Livonia" competed in fifteen races and gained only three first prizes and one second. In 1885 "Galatea" won only two second prizes out of fifteen starts.

The "Genesta" was a first-class vessel; if not the best, she was at any rate the second-best English yacht of her size afloat at that time and she made a very creditable fight. "Thistle" was built for the express purpose of sailing for the cup. She beat "Irex" on all points of sailing and was fairly entitled to be considered the champion of the British pleasure fleet of that date. She was badly beaten, so badly as to raise some doubt as to whether she was sailing up to her true form. Taking a line through "Thistle," "Irex," "Genesta," on the one hand, and through "Volunteer," "Mayflower," "Puritan," on the other, she certainly was not. But this is a mere matter of speculation. She was built for the purpose and was the best thing we could turn out. In those two instances, but in those only, the international races were full of interest and worthy of the name.

* Since writing, I have seen with much satisfaction a statement in the press to the effect that a cutter is building at Bristol with the purpose of challenging for the Victoria cup. I sincerely hope the rumor is correct.

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That the America Cup should have produced so little serious competition and indeed so little competition of any kind is no doubt largely due to the lack of interest in the subject displayed in England. Yachtsmen care comparatively little about it, and the general public care nothing; the interest evinced by our brethren in the United States—I might also say by the whole nation—is unfortunately not shared by us. But some other cause must be at work. Want of general interest will not sufficiently account for absence of competition, and some adequate reason for the want of interest must also exist. It is to be found, I believe, in the fact that the difficulty of devising satisfactory conditions, and the necessity for doing so, if sport is to be insured, have never been sufficiently recognized by the holders of the cup.

The America Cup was not originally intended to be an International challenge cup. Neither was it, as is usually supposed, a "Queen's cup." It was a cup, value £100, given by the Royal Yacht Squadron to make a race for the "America." That vessel, while anxious to make matches, objected to our regulations as to time allowance, and as she would not sail in our regattas, the squadron got up a race for her round the Isle of Wight without any time allowance whatever. The "America" won the race, and would have won it under any circumstances, as she saved her time on "Aurora" by about two minutes. The actual race was not, it must be admitted, a very good test of merit, as the only two vessels having any pretensions to be racing yachts, the "Arrow" and "Alarm," came to grief at the back of the island; but of the superiority of the "America" no doubt can exist. She practically revolutionized our fleet. The owners of the famous schooner did a very sportsmanlike thing in handing over the prize to the New York Yacht Club to be held as a perpetual challenge cup, but I do not think they did it in a quite wise way. That they can never have seriously considered the conditions which ought to attach to such a cup is certain from the fact that, according to the original deed of gift, a challenger had to meet any number of yachts that chose to sail against him. Such a condition is of course absurd as applied to an International match. It is true that the "America" won the cup in open competition with a fleet of fifteen yachts, but it was not a challenge cup; she was not sailing an International race, It was an open race in which every yacht was fighting for its own hand as in the

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case of any ordinary regatta. To erect the trophy into an International challenge cup and, under those totally different circumstances, to insist upon conditions similar to those under which it was won would never have been contemplated had the donors given much thought to the matter. It may be quite legitimate to chuck a shilling out of the window of the Trafalgar for a dozen little Greenwich boys to scramble for in the sweet-smelling alluvial deposit of the Thames; but if the fortunate securer of the prize, being actuated by a high sense of parochial patriotism, devotes the shilling to be a perpetual inter-parochial challenge prize, it would not be legitimate to insist that one small boy of Greenhithe should struggle against twelve small boys of Greenwich. At any rate it would not be business, and challengers would be few and far between. This error was perceived after one race had taken place, and was rectified, and since then two deeds of gift have been framed for regulating contests for the cup. It is not my intention to examine into them minutely or to discuss their legality in any way; suffice it to say that for many reasons they have been objected to by yachting men on this side. The last deed, that of October 28, 1887, appears to be especially open to criticism on account of the dimensions clause. The width of divergence of opinion that may be formed as to what constitutes fair conditions is evidenced by the difference between the intentions and anticipations of the framers of the new deed of gift and the effects produced by that document. With a copy of the new deed the New York Yacht Club sent a circular to all our yacht clubs invoking from them "a spirited contest for the championship," and trusting that the new deed "may be the source of friendly strife," inviting "friendly competition for the possession of the prize," and tendering "a liberal, hearty welcome and the strictest fair play" to all. They were evidently of opinion that the new deed was admirably calculated to insure sport.

To this circular the secretary of the Royal London Club replied saying that "I am instructed to inform you that they (the club) regret to find that the new conditions laid down by the surviving donor of the America cup are of such a nature as in their opinion to be not calculated to promote sport, by deterring British yacht-owners from challenging for the cup." Though no other expression of their views was sent by any other British clubs to the

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New York Yacht Club there is no doubt whatever that the Royal London Club expressed the universal opinion of yachting clubs and yachting men in the United Kingdom. No challenge ever has been made or ever will be made under the terms of that deed. It is impossible to conceive of two opinions more diametrically opposed; and if the views of the New York Yacht Club are unchanged and unchangeable and are representative of the yachting world of America, International racing is, as far as that country and England are concerned, at a deadlock. It matters very little which body of opinion is right and which is wrong in the abstract, and the exact proportion of error in each is not worth discussing. What is wanted is to bring them together somehow. If two people propose to play a game, they must first of all agree as to the rules to be observed. It is to bringing about an agreement that practical men interested in yacht-racing should address themselves. It is not an easy, but it should not prove an impossible, task, and will not if it be approached on both sides in the spirit exhibited by Mr. Herreshoff when he said: "If the conditions that surround the tender of this wonderful cup be not such as to promote friendly International rivalry, then let the duty and wish of every spirited American yachtsman be to modify the deal so that our transatlantic friends may visit us again and stir us to yet better and higher work."

The fact is that, though at first it may appear simple, the difficulty of laying down fair rules for governing an International yacht race is exceedingly great, and by fair rules I mean rules that will preclude the possibility of the holder of a cup being taken by surprise, and that will insure, as far as is humanly possible, that the best vessel will win. The object of a challenge cup of that nature is to decide what yacht shall be entitled to be considered the champion of the world. The superiority of the vessel is the first matter of consideration, and skill in handling is the only other factor admissible in the case. That can not and ought not to be eliminated, but with that one exception the race ought to be free from anything that can possibly influence and determine its character and result. When we consider that of all sports yacht-racing is the most liable to be affected by luck, chance, accident, and flukes, the difficulty of framing rules becomes apparent. During a season's racing in which she sails perhaps forty or fifty times, the best yacht of her class will, of

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course, assert her superiority. She will be beaten perhaps many times, but the average will be in her favor. It is necessary, therefore, that a certain number of races—the best out of five, at least—should decide the fate of a challenge cup, lest either of the competitors should be especially favored by weather more suitable to her than to her opponent on any one or two given days.

For the same reason it is equally desirable that the courses should be such as to fairly try the vessels on all points of sailing. They should also be laid off in deep and open water as free as possible from flaws of wind off the shore, from tides, and from any advantage that may arise from local knowledge and a pilot's skill. The possibility of obstruction on the part of other vessels must also be guarded against. The yachts must be first-class vessels, so that the winner may fairly claim the championship, not in any particular class or rig, but of the world. A minimum limit of length or tonnage, determined by the ordinary dimensions of a thoroughly sea-going cutter and schooner should therefore be fixed, and no allowance for rig should be given. On the other hand the vessels should not be so large as to be unduly expensive, difficult to handle, and practically useless for any other purpose. Men will be reluctant to build for a special purpose if they are to find themselves saddled with an inconvenient ship after sailing one series of matches in her; and it is not advisable to give advantage to the longest purse. A maximum limit of length or tonnage should therefore be found by consideration of the dimensions beyond which experience shows that schooners or cutters become inconvenient for general purposes and unwieldy.

It is obvious that, to insure a good race, the yachts should be as nearly as possible of the same length on the load water line. Length is the principal factor in determining speed, and if the challenged party can always go a few feet or a few inches longer than the challenger he obviously has a great, perhaps an insuperable, pull over his antagonist. Length on the water is in respect of yacht-racing the nearest equivalent to age in horse-racing, and to insure uniformity in that all-important particular, any excess on the part of either vessel over the estimated length, as furnished with a challenge, should be counted double in calculating time allowance—the equivalent of weight for age; and, further, neither vessel should in any case exceed the length specified in the challenge by more than two per cent. In former times when ships

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were built more or less by rule of thumb such a stipulation might have been difficult, perhaps impossible to carry out. But now in these modern days of scientific precision, when a competent designer can calculate his weights to a nicety, and a competent builder can carry out the designer's plans almost within the limit of an ounce, two per cent. margin is amply sufficient to allow for any unavoidable error in estimating the floating length of a yacht with everything on board ready to sail. But as differences in rating will exist, they must be adjusted by a time allowance scale. Moreover, cases might occur in which it would be unfair to penalize length on the load water line too heavily. For instance, neither party might wish to build and might agree to sail off a challenge with two existing vessels differing considerably in length; a fair scale of time allowance would be necessary in that case also.

To lay down definite fixed rules for the actual management of the matches and the settlement of all details concerning them would of course be out of the question. Such matters are best left to sailing committees and to mutual agreement between competitors. They must arrange them as they think best, bearing in mind always that the courses should be as far as possible free from obstruction and all adventitious circumstances, that they should be properly and distinctly marked off, and that the dates for the matches and hours of starting should be fixed to suit the general convenience. The exact time at which each race is to be started should be settled beforehand and strictly adhered to. To be kept waiting in suspense for some hours and perhaps eventually started in the bustle and confusion of shifting sails, or of making some alteration rendered necessary by a change of weather or shift of wind, is very harassing to a crew. Favoritism might be shown by postponing a race, and the possibility of favoritism should be guarded against. It must not be forgotten that in framing regulations for an International race human prejudice must be considered. It should be rendered impossible for either party to have the shadow of an excuse for fancying himself aggrieved. But, as postponement is obviously necessary in certain atmospheric conditions, a sailing committee should be forbidden to start a race in thick fog. Moreover, in very bad weather a postponement might be desirable—for a gale of wind is no weather in which to try the capabilities of a vessel in a race, and, as in such case neither competitor would like to be the first to suggest post-

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ponement, a sailing committee ought to be empowered to exercise their own judgment. I would suggest, therefore, that if either vessel desired it the sailing committee should be bound to start the race at the time specified, except only in the event of thick fog; but that if neither vessel insisted upon a start the question of postponement should be left to the discretion of the sailing committee. As a necessary consequence of this rule it should be laid down that any race not completed within a certain time, calculated by an average speed of, say, five knots an hour over the course, should be void and should be sailed over again; and that reasonable time should be given between races to repair damage occurring during a match.

The length of notice that should be given in a challenge appears to me somewhat immaterial. A club holding a challenge cup ought to be safeguarded against surprise. It should receive a challenge in ample time to build if thought desirable; on the other hand it is unwise to hamper challengers unneccessarily and I should say six or eight months' notice would be sufficient. There remains, I think, only the question of return matches to be spoken of, and concerning it a definite expression of opinion is difficult.

Albeit the right of a country having possession of an International challenge trophy to keep it until wrested from them in a contest in their own waters is undoubted, and the champion's privilege to stand upon his own ground to meet his opponent cannot be gainsaid; yet it would be more absolutely fair, and far more conducive to the encouragement of yacht-racing, if return matches were sailed. A yacht derives a certain advantage by sailing in her own home waters which, though impossible to estimate or define, is very real, and cannot be counteracted in any way. Moreover, a vessel built excessively slightly for the mere purpose of sailing half a dozen matches at home would have a perfectly definable pull over a vessel constructed with sufficient strength to make long ocean voyages. For these reasons a stipulation that the second or third challenge from any one country should be fought out in the waters of that country might be advisable. Another advantage which the challenged party has hitherto had over the challenger consists of the fact that while the challenger must nominate his vessel before she is tried, built or commenced, aud must sail that vessel, whether she turns out a success or a failure, the challenged can build two or three ships, can try them

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frequently together and can select the best. This, of course, gives a great pull to any challenged club. Whether the pull is too great or not is a matter of opinion. That the challenged should have some advantage is, I think, legitimate and fair.

One other matter may be profitably mentioned before leaving this most interesting theme. No doubt can, I think, be entertained but that the differences as to the methods of yacht measurement existing among the yacht clubs of the United States, and between them and the Yacht Racing Association of the United Kingdom, act prejudiciously upon racing and indeed upon yachting as a whole. Into that thorny field I do not propose to stray. An ideal rule would be that which resulted in the evolution of the soundest, most seaworthy, fastest, and most convenient vessel. How near that ideal human ingenuity is capable of arriving, or to what extent uniformity of rule is compatible with necessary local divergence of type, I do not pretend to say. But uniformity of measurement, if attainable, is worth struggling for. A healthy stimulus would be imparted to yacht building, and I sincerely wish that scientific and practical men on both sides of the Atlantic would consider the feasibility of such a scheme.

Such are my general ideas sent out *currente calamo* and without any attempt at scientific exactitude or legal phraseology; but before closing I would wish to make clear my definition of an International race. I do not mean a race for a perpetual challenge cup open to all the world, and to be sailed for at the annual regatta of the club holding the cup. A race of that character would be very simple to manage. It would be merely necessary to stipulate that the cup should be held by the vessel winning it—the owner giving sufficient security—and that it would be sailed for every year at the regatta of any club selected by the holder of the cup subject to the ordinary rules as to time allowance, rig allowance, etc., etc., etc., used by the club. Such a race would be most interesting and useful, but what I have in contemplation is the sailing of a series of matches between two representative vessels for the championship of the seas, and that is, as I think I have shown, a far more difficult matter to arrange. In fact the whole question of International challenges bristles with difficulties, and though I have freely expressed my opinion in these pages I should not attempt to draft the rules for its conduct.

What I should do would be this: It is no disparagement of other

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countries to say that England and America are foremost in yachting matters, and no one could feel insulted if Americans and Englishmen took the lead in laying down regulations for International races. Moreover, a very large and mixed committee would never arrive at any conclusion whatever. I should therefore invite, say, three Englishmen and three Americans, representative yachtsmen and members of the foremost clubs, to meet in New York or London, or in some other convenient place—Paris might be suitable—and sit down to discuss the matter thoroughly and draw up definite rules. Their labors having been brought to a conclusion, I should put six bits of paper—one of them being marked—into a hat, shake them up and request the members of my drafting committee to draw lots. The nationality of the drawer of the marked lot should determine the waters in which the first race for the cup should be sailed, and he should nominate the yacht club in whose charge the cup should be first placed. If such means were adopted an eminently just, impartial, explicit and practical set of rules would be the result; rules which, if they did not give universal satisfaction, would at any rate be free from the charge of producing universal dissatisfaction on one side, and which would, if coupled with large latitude for mutual arrangements of details, insure good and continuous sport. Would it be possible to apply the principle here indicated to the America cup? I know not, but it would be a thousand pities to let that cup fall into oblivion. It has attained a position and notoriety that make it singularly the trophy to be held by presumably the best racing vessel in the world. That it has not produced more frequent and keener contests is much to be regretted, and no one could rejoice more than I if it could be placed in a position so satisfactory as to stimulate the activity and ambition of yachtsmen on both sides of the ocean, and should come to be recognized for all time as the blue ribbon of the sea.

DUNRAVEN.

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DIVORCE: FROM A FRENCH POINT OF VIEW.

BY M. ALFRED NAQUET, OF THE CHAMBER OF DEPUTIES.

In France, as elsewhere, many persons imagine that the law which in 1884 reëstablished divorce in that country has given a new color to the divorce question, and they are now asking themselves whether the experiment has produced good or bad results. Even if it were possible in an examination of this kind to employ the scalpel of the anatomist, the conclusion which might be reached would be rather hastily drawn, as it requires more than a few short years for a law, if it has any real influence on society, to show its effect. I might go further and add that social phenomena are far too complicated to permit us to attribute to a particular cause certain determined results. If we are to arrive at a correct conclusion we must also find out what influence was exerted at the same time by all the other active causes, a proceeding totally impossible in matters of this kind.

Thus, when the partisans or the opponents of capital punishment base their arguments on the increase or decrease of murder, as the case may be, in the countries where this mode of punishment has been abolished or reëstablished, their reasoning does not rest on solid ground. If, for instance, crime diminished the moment guillotining was stopped, who could tell but that this happy result might be due simply to an improvement in the habits and customs of the people? The diminution might, perhaps, have been still greater if the scaffold had been left standing. On the other hand, if crime increased, the cause might be sought in that feverish state produced by the excessive competition of modern civilization; and who could say whether the same improvement would not have been observed if capital punishment had not been abolished?

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The same thing is true of divorce. If, twenty or thirty years after the promulgation of the law establishing it, we should observe that the number of unhappy families had increased, that there was more immorality and crime than before, it would be quite absurd to attribute to this institution all this misery; and we would be just as unphilosophical in declaring it to be the cause of an amelioration, if such had really occurred.

Have the opponents of divorce ever looked at the question in this light? I cannot say whether they have. I do notice, however, that they lay great stress on the number of families which are broken up by divorce. If this number were to diminish they might be inclined to admit that the law had done some good. But when, on the contrary, they perceive an increase in the total of the sundered households, they hold up their hands in holy horror and declare that society is in danger. Their conclusions, however, are very hasty. A law which suddenly establishes divorce finds itself necessarily brought face to face with a mass of cases which have been accumulating for years. The first act is a sort of general liquidation, which produces exaggerated optical effects. But when this clearing of the docket is accomplished, and there come up for decision only the divorce cases belonging to each successive year, then a decrease follows the increase, and the public mind is calmed.

This is exactly what happened in Switzerland. When the law passed in 1874 came into force two years later, the divorce business suddenly assumed enormous proportions, whereas to-day it appears to be entering upon a period of decrease. However, Switzerland still remains one of the countries where there are the most divorces. But the settled fact is to be noted that the increase observed was followed by a period of decrease.

Will the same thing happen in France? I cannot say positively, but the logic of the situation would lead one to answer the question in the affirmative. But I never like to get ahead of facts, and the facts in the case have not yet spoken. Printed statistics come down only to the year 1888. Now, as the divorce law passed in 1884 was not really taken advantage of till two years later, when it was perfected by the law which modified its procedure, it will be seen that we have scarcely two years of statistics before us, and these the very years when, on account of the liquidation to which I have just referred, the figures would be

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abnormally high. And they were in fact very high. Thus in 1883, the year before divorce was established, there were granted in France 3,010 separations (*a mensâ et thoro*). In 1888 the number of separations and divorces together had risen to 7,166.

But whether these figures increase or remain stationary, there will be no reason for jumping to any conclusion, unless it be to this one, that, as there is much divorcing in France, the re-establishment of divorce was a crying necessity.

In Sweden, where there are almost no disunited households, perhaps society can get on without this institution. But where, on the contrary, there is a considerable number—I refer to separation from bed and board—this very number shows that the reform is needed, like a safety valve in a steam engine. In order to draw a different conclusion, it would first be necessary to establish the fact that this increase is caused by the legislation which permits married people to separate; but it is this very demonstration that nobody has made or can make, for such an allegation would be in contradiction with the truth.

M. Jacques Bertillon, the able head of the Paris Bureau of Statistics, has established in a decisive manner, seldom witnessed in matters of this kind, that the number of families which are disunited is quite independent of the legislation of a country. For instance, there are nations where the laws are the same, but where there is an extraordinary variation in the number of separations and divorces. Thus, in Switzerland, certain cantons—Geneva, Bâle and Zurich, for example—show an enormous number of divorces, while other cantons, such as Uri, do not offer a single case, though the law is the same throughout the Confederation. The same thing is seen in Scandinavia. Thus Denmark abounds in separated family circles, while in Sweden and Norway there are almost none; and yet the laws governing the matter are about the same, while, furthermore, these people are as near alike as possible in race, customs and religion.

What legislation can accomplish—I said this when I first took up this divorce question, and I shall not cease repeating it, because it is the philosophical truth—is the bringing to light of existing social facts or the checking of the manifestation of these same facts, though they exist in the same degree in both cases. Let me explain more clearly what I mean. Imagine a country where neither separation nor divorce exists. Does anybody sup-

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pose for an instant that consequently there would be no broken family circles. It is evident that nobody cherishes this delightful chimera, since nobody proposes the suppression of separation from bed and board; but if the state of things which I have imagined really prevailed, there would, of course, be badly assorted unions, where the husband and wife would be found living apart, exactly as is the case to-day. But as society can discover this only by means of its civil registers and decisions of the courts, and as these means of information would be lacking in this hypothetical case, these separations would not be noted, and the statistics would contain a cipher under the heading "Separations."

Let us suppose now that this same country, where exist no legal means of dissolving marriages, takes a step in the direction of greater liberty and establishes separation from bed and board. Of course all the married couples already living in this separated state would care little for this new law. A separation of this sort has few advantages, except in special cases, where, for example, the husband wishes to protect himself against what might result from the criminal commerce of his wife and her falsely attributing to him the paternity of a child, or the case in which a wife seeks more effectual protection from a husband's evil treatment. Except in instances of this kind most people would prefer not to admit the public to a share in their domestic troubles by having recourse to the new law, and would continue to live apart amicably. Some couples, however, would avail themselves of it, so that the statistical tables, which heretofore had contained only a cipher, would now register a positive figure, which would go on constantly increasing, for it is a well-established fact that to-day in every country, whatever may be the nature of its legislation in respect to the subject now under consideration, the number of separations is continually progressing. In France, for instance, before the reëstablishment of divorce, and when, consequently, divorce could not be held responsible for the fact, the total of separations from bed and board gradually grew from 642 in 1840 to 3,010 in 1883. If short-sighted sociologists should conclude from these figures that the liberalizing of marriage legislation had produced evil results, such a conclusion would be very unphilosophical and very far from the truth. All that these statistics prove is that our legislators, in becoming less strict, had made it possible to count the cases of domestic in-

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felicity which up to that time had been kept in the shade. Nobody could hold that the law was the cause of these separations.

Let us go still further and consider the situation which prevailed in France first in 1792, and again in 1884, when the law of divorce took its place beside that of legalized separation from bed and board. Up to that date a certain portion of those couples who lived in a state of amicable separation had, as we have just stated, held back from the cost and trouble of going to law. But now, finding in the divorce law a chance to begin married life over again and to create a new family, they considered that the advantages were greater than the inconveniences of a law suit, and so they were ready to go into court. Thereupon statistics would again denote an augmentation in the amount of conjugal infelicity. But would there in reality be any such increase? None whatever. These broken unions are now brought forth to the light of day. They existed yesterday and do not date from to-day. The divorce law was a sort of microscope which had enabled the statistician to see and note what was hitherto beyond his ken.

If divorce legislation becomes still more liberal, if the facilities for separation are made easier and easier, this apparent increase in the divorce column will again show itself, and this will continue until legislation embraces every case which has heretofore been relegated to the background of obscurity.

Every day I am consulted by married people in trouble. Now it is the wife who has been deserted by the husband, and now *vice versa*. The household may be broken in twain, but our present law does not recognize the cause as a sufficient ground for divorce. Again, the complainant has no proof of the ill-treatment of which she or he is the victim. But if the divorce law which was introduced in 1792 were still in force, and which declared as sufficient cause for the breaking of union the persistent demand on the part of one of the parties, these unfortunate people who consult me and who at present neither apply for divorce nor separate, would seek divorce. Then only would the official statistics mark the fact. But they exist to-day and the law which would make it possible to note them would have nothing to do with bringing them about.

It may well be asked whether, from a social point of view—and this is the only thing to be considered—mystery is preferable to publicity in a matter of this kind; whether amicable sepa-

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rations which take place in spite of the law and outside of the law are less harmful than legalized ones. For my own part I am convinced that legalized separations are far less baneful, and this is why, not believing that legislation could influence in any way the number of broken unions, I determined to do what I could to secure the reëstablishment of divorce in France.

I well knew that nothing is more dangerous than to attempt by means of laws to exercise coercive powers in the domain of social phenomena, where constraint can never effect anything. The Bavarians, for instance, discovered the truth of this principle when, startled by the danger to society occasioned by an excessive birth rate, and wishing to check it among the poorer classes, they made an attempt to prohibit marriage when the contracting parties had no certain means of support; but, instead of reducing the real number of births, this law simply increased, to a disquieting degree, the total of illegitimate children; so it was promptly repealed. There was an apparent diminution in the number of marriages, but it was only apparent; for clandestine unions, with all their corrupting influences, took the place of legal ones, thus proving once more that legislation cannot check cohabitation any more than it can prevent separation.

In countries where divorce does not exist, the number of unions *officially* dissolved decreases, and there is no record of the subsequent unions formed by separated parties, but it does not follow that no such unions exist. On the contrary, illicit connections are formed and adulterous family circles are created, which take the place of regular and recognized households, while illegitimate children are substituted for legitimate ones that would have been numbered as such if it had not been for this state of things. This is the only possible outcome of strict legislation and the result does not reflect honor on such legislation.

My own convictions on this subject are so well established, that if I did not fear the reaction to which popular ignorance might give birth, I should not hesitate, if in my power to do so, to remove every obstacle in the way of divorce. Such a liberal law, which would make it possible for those living apart to legalize their situation, would so increase the divorce list, that the simple-minded public would take the effect for the cause, and would blot it from the statute book. Taking into account the degree of enlightenment of civilized countries in general and of

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France in particular, I should say that the divorce law passed in the latter country in 1884 is all that we could and should expect.

Another aspect of this problem is that of divorce among the laboring classes. Some of my fellow countrymen were disturbed at the thought of opening to the democratic masses the benefits of a law, which, according to them, ought to be reserved exclusively for people in easy circumstances.

A few days ago I read in the *Galignani Messenger* an article touching on this point. The writer was frightened at the number—21,000—of divorces applied for by the Paris working classes in four years. The English organ at Paris saw in these figures a veritable danger to society. Though the courts may come to the rescue of the children of divorced parents who are rich, argued the writer, they are powerless where the parties are without a fortune; and, furthermore, as the larger part of these divorces among the working classes are followed by new unions, a mass of children are handed over to the far from tender mercies of step-mothers and step-fathers, and are thus deprived of the healthful education of the true family circle.

This objection was often thrown in my face before I succeeded in getting divorce back on our French statute book. But I found no more trouble in answering it then than now. The greater the number of applications for divorce emanating from the laboring classes, the more it proves to me that divorce answers a pressing, urgent need among the working masses of our cities.* I use advisedly the phrase "the working masses of our

* Applications, from 1884 to 1888 inclusive, for separation or divorce—I speak here of applications and not granted divorces—arranged according to the callings of the parties, are shown in the following table:

PROFESSIONS.	1884.	1885.	1886.	1887.	1888
Landlords, persons with incomes, or those in liberal professions	733	1,115	915	918	925
Merchants and trades people	1,168	1,427	1,319	1,457	1,371
Farmers	615	862	855	873	821
Working people of all kinds, except farmers	1,841	2,946	3,141	3,825	3,765
Servants	227	335	474	513	416
Profession not given, or without profession	855	815	894	1,553	1,119
Total	5,439	7,559	7,598	9,149	8,417

This table shows that the peasantry, which forms 70 per cent. of the whole population of France, figures here for scarcely 11 per cent. Thus the total applications foot up 37,453, where the farmers represent 4,025, or 10.7 per cent.

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cities," for in the country districts of France it is very rare for a peasant to take advantage of the divorce law, although its stipulations are the same for all classes of citizens. This fact verifies the truth of M. Bertillon's statement that marriage and divorce are governed by causes to which legislation is foreign.

Does anybody believe that when divorce was impossible our working men and women abandoned one another less often than they do to-day? If anybody does believe this he is very simple-minded. Then, as now, good-for-nothing wives left their husbands in order to launch into debauchery; then, as now, bad husbands, in far larger numbers than bad wives, shirked their conjugal and paternal duties. Though the official statistics are silent on this point, the facts cry aloud.

When, among the upper classes, troubles of this sort arose, relief was obtained by separation from bed and board. A husband with money who did not wish to see his fortune divided among his legitimate children and bastards would obtain a separation of this kind in order to disavow more easily any irregular offspring, while a wife would have recourse to the same law in order to protect more surely her fortune from marital dilapidation, to settle more exactly her financial position, and to remove the children from the sight of their father's immorality.

But what would be the results of such a separation when practised among the working classes? There being no fortune, no benefit would accrue from a judgment requiring one of the parties to pay an allowance to the other. The decree of the court would be a dead letter. As regards disavowal of paternity, this becomes of far less importance where the matter of inheritance plays no part. Consequently, though under the old law there was quite a number of separations among laboring people, the total was relatively small; and it may be safely added, furthermore, that these separations occurred more particularly in the more moral and well-to-do portion of the working classes. However, whether these separations were granted by the courts, or whether, as was far more generally the case, they were brought about privately, the results were far different from those among the upper classes.

Let us suppose, for instance, a husband deserted by his wife, who has proved herself to be a bad spouse and a bad mother, and has left him alone with one or more children. Or let us suppose

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a wife abandoned by her husband and charged with little ones to care for. How will these different parties be affected by the situation? If they belong to the upper classes where there is a fortune, the husband will have domestics to look after the children, or he will send them to the boarding school. If weary of the celibacy forced upon him by the law, he forms an illicit union, this is at least done clandestinely, and it is kept hidden from the children, whose moral state is not harmed thereby. The deserted wife, who is blessed with money, can, in her turn, devote herself to her children's education and live with them honorably.

Now, let us turn to the working classes and see how they fare in circumstances of this kind. The deserted father can have no servant to care for the house and children. He is forced to wive again, but if he cannot contract a legal union he will contract an illegal one, for matrimony is a necessity for his own domestic happiness and for keeping his children from the street. If the union be illicit the moral effect on the children may be bad, but surely less so than if there were no woman at all to watch over them. In a word, therefore, when a workingman is abandoned by his wife he sets up a new home with his mistress.

The situation of the deserted workingwoman is still worse. As matters now stand in France, a woman cannot live by her own labor. If by rare chance she succeeds in supporting herself she must have no children, and there must be no "dead season." This is a hard and unpalatable truth which cannot be removed by the fine dissertations of philosophers and moralists. Prostitution or an adulterous *liaison* is the only means by which she can keep the wolf from the door.

When certain people point with pious horror to the 21,000 applications for divorce among the working classes, filed between January 1, 1888, and December 31, 1891, they do not grasp the real meaning of these figures. What do these figures signify, then? Simply that in four years 21,000 working men and women were forced to choose between illicit unions or divorce and a legal second marriage—that is to say, 5,250 persons per year, who, actuated by a higher morality, desired, both on their own and their children's account, to regularize their conjugal situation. If divorce had not been reëstablished, or if it had been restricted to the upper classes, what would have become of these 21,000 petitioners? Is there any one who believes that these broken

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unions would have been patched up and these separated families brought together again? Not even the most determined opponent of divorce dares hold such an opinion. Clandestine unions would take the place of the 21,000 regular ones, which would surely be established in a vast majority of the cases where the divorce was granted, and the formation of a new home thus made possible.

That the systematic enemies of the marriage relation, that the partisans of "free love" should rejoice at this state of things, is easily understood, though, even from the standpoint of the latter, these irregular unions cannot be looked upon as a wholly good thing in a society where legal marriage frowns upon illegal marriage. However this may be, it is to be noted that it is not the advocates of free love who protest against the 21,000 petitions for divorce emanating from the male and female toilers of France. On the contrary, it is the determined friends of the indissolubility of the marriage tie, or, at least, those who wish to limit the extent of divorce and make it an aristocratic institution—they it is who advocate the continuation of this corrupt order of things. I for one cannot understand their attitude. I cannot see how, forced to choose between 21,000 false households and 21,000 regular ones, formed after divorce, the advocates of "holy wedlock" can decide in favor of the 21,000 irregular unions.

As for myself, while admitting that the dissolving of the marriage tie is an evil, I consider and shall always consider that, to whatever social class one belongs, divorce which enables men and women to reënter upon a legal union, is, as regards parents, children and society, an infinitely less evil than the separation obtained by the courts or agreed upon privately.

ALFRED NAQUET.

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IS ALCOHOLISM INCREASING AMONG AMERICAN WOMEN?

BY T. D. CROTHERS, M. D., SUPERINTENDENT OF THE WALNUT LODGE HOSPITAL, HARTFORD, CONN.

THE great drink problem of this country is governed by forces and conditions that are practically unknown. To the scientific student a few outline facts appear, surrounded by regions of mystery, clearly under the control of laws not yet discovered.

One of these facts is the tide-like movement of inebriety when seen from a higher point of view. Thus distinct periods of years will be noted in which all forms of inebriety will increase up to a certain point, then recede in about the same ratio.

Statistics of persons arrested for inebriety, extending over long periods, will point to certain years in which a maximum in numbers was reached, followed by a retrograde movement back to a minimum. This tide-like movement is sometimes clear, then obscure. Often it is marked by both epidemic and endemic waves, and is traced in the prevalence of inebriety in towns and cities, and in the reaction noted by temperance revivals.

This psychological ebb and flow was pointed out by Dr. Westphal in Sweden many years ago, and an interval of seventeen years was indicated as the time between the maximum and minimum periods of inebriety in that country. Shorter periods have been noted by other observers in different countries.

Many very startling facts point to this wonderful cycle and drink orbit, and help to explain the strange temperance revivals which spring up and sweep over the country, dying away with the same mystery and suddenness. Such movements are undoubtedly the backward swing of high tides of inebriety. The Washingtonian revival of 1840, the Red Ribbon movement and others of recent date are good illustrations.

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The histories of large cities and towns supply many startling confirmatory facts of periods of inebriety and intense temperance revivals following each other with a strange, fascinating mystery. Like the ebb and flow in politics, religion and the great social movements, these drink cycles or waves point to ranges of causes and conditions awaiting future discovery.

While many of the causes of inebriety as seen in the individual are both preventable and curable, there are other unknown psychological and physical forces that control the form and direction of the inebriety of both sexes.

Whatever inebriety is in Europe, or may have been in the past, it is in this country a brain and nerve disease, marked by mental and physical failure, exhaustion and central degeneration. Any inquiry concerning the prevalence of inebriety among either men or women cannot be answered by appeals to statistics alone.

The primary facts must be sought in the physiological and psychological conditions which favor or antagonize inebriety.

The conviction that inebriety is diminishing in this country is sustained by all scientific study and observation. Some of the facts on which this is based may be briefly stated.

Inebriety is becoming more impulsive and precipitate; the period of moderate drinking is shorter; the quantity of strong spirits used is greater and the duration of the inebriety is steadily diminishing. The inebriate of to-day is often delirious, maniacal, suicidal, and criminal in his conduct and suffers from marked nerve and brain disease. If a periodical drinker, he is often afflicted with epilepsy, general paralysis and delusional manias.

The brain and nervous system break down early, and acute diseases of the lungs or kidneys are usually fatal; or the victim disappears in an asylum, poor house, or prison. The intensity and constant excitement of American life, with its strains and drains, neglect of healthy living, and bad surroundings, the sudden changes and disappointments, and the rapid elations and depressions, are some of the prominent factors which have changed the type of inebriety. These forces bring all cases into greater prominence, and give a false appearance of a marked increase in the numbers of victims.

The fact is more and more apparent that alcohol cannot be used in moderation by the average American. The forefathers might use spirits for a life time and never be inebriates or exces-

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sive drinkers, but the children who drink have only a brief period of moderate drinking. They become excessive drinkers at once, and soon merge into paupers and criminals, or die suddenly. The tremendous forces of heredity which the overstrained, exhausted generation transmits to its descendants are still more active, predisposing causes for the development of inebriety, insanity and various allied diseases. Climatic states also intensify and favor the brain exhaustion that leads to inebriety. These are some of the forces and the subsoil from which inebriety grows luxuriantly. The prominence of such cases is not evidence of their increase, but by contrast brings into view the increasing number of total abstainers.

Thus the form of inebriety is changing, and while certain local causes may account for its apparent increase in particular sections, a great antagonistic undercurrent of evolution is slowly and surely drawing lines of limitation and breaking up the soil from which it grows. This is true in a large sense concerning inebriety among women. Inquiry along the lowest levels of social life, as noted in court records of women arrested for drunkenness and petty crime, confirms this. Such records are worthless as evidence of the inebriety of women, because they depend on the opinions and impulses of judges and officers who may wish to shield or expose the culprit. Inebriety is associated and covered up with assault, larceny, misdemeanor, breach of peace, and other charges that seem to alternate one with the other, and such persons are arrested many times for the same offence the same year.

Recently a woman was arrested in Liverpool, who had been arraigned over seven hundred times for drunkenness and its associated charges. Women seen in the police courts in this country charged with such offences are always profoundly degenerate, both mentally and physically. They are commonly the mere wreckage of worn-out foreign families far down on the road to race extinction. Drunkenness, prostitution, and lawlessness of all forms in women are unmistakable signs of disease and early dissolution. They are the unfit and the last remnants of the race-stock hurried on to death by a law that knows no shade or shadow of turning. Only a small minority of American women are found at this level. On the street at nightfall, in large cities and low circles, a certain number of inebriate women may be

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found, but these are largely poor demented beings of foreign birth, paupers in mind and body.

Higher up in society it is a noticeable fact, that on occasions of great public excitement, as at political conventions, horse races, and other meetings where both sexes mingle and spirits are used freely, intoxicated women are rarely seen. The same is true in society, on the street, at the theatre, and other public places. Within a few years wines have been gradually disappearing from the social boards and society begins to frown on any excess manifest in public. These and other facts sustain the belief that American women are becoming more and more temperate.

It is the common observation of both specialists and family physicians that inebriate women are concealed often as skeletons in the households, and that strong efforts are constantly made to cover up their personality. Associated with the use of spirits is an increasing dread of exposure and a shrinking from society, and even from relatives and friends, and also a disposition to retreat behind the mask of various nervous diseases. When spirits are used for any length of time the disorders take on a periodical form in which hysteria and other emotional symptoms are prominent. It may be said to be a rule, to which the exception brings ample proof, that the use of alcohol in women very soon merges into some other disorder, usually drug-taking, and the spirits are abandoned.

The decrease of drinking among women is fully confirmed by the facts of heredity. In families of moderate and excessive drinking parents, the girls rarely become inebriates, while the boys, as a rule, develop the parents' maladies.

Numerous instances like the following are within the common observation of every one: One or both parents may use wine on the table daily. The father may use wine to excess, at intervals or continuously and the mother be a nervous and neurotic woman. The boys will drink to excess sooner or later, and the girls will have a defective nervous system, and turn to narcotics for relief, using opium, chloral or other drugs. The children of these girls will develop inebriety and similar diseases from the slightest exposure. Alcoholism may appear in the female side, but it will be exceptional, and naturally merge into drug-taking or other disease. It may appear in a paroxysmal form, and apparently start from irregularities of life and living, but it will always be found associated with nerve and brain defects.

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The direct alcoholic heredity running through the male line is changed and diverted in the female side. This heredity always leaves the females with defective vital force and unstable brain vigor, also with weak power of control. The strain of the reproductive period brings on central exhaustion, with a strong tendency to organic disease. The female neurotic may use alcohol for the exhilaration which it brings, but only until she discovers some other drug with more pleasing effects.

Vast ranges of causes are at work far back of the first use of spirits or drugs. The brain exhaustion and consequent unrest of certain people, together with the constant strain to adjust themselves to the changing conditions of life, will of necessity produce a certain number of inebriates, both alcoholic and opium, together with various nervous diseases. This class will be limited and quickly crowded out. Certain local causes may seem to favor their increase at certain times, but behind this there is an inherent antagonistic force that limits this form of degeneration and checks its increase. It is the law of the survival of the fittest, which is of universal application.

The emancipation of women from the slavery of caste and ignorance, and the steady upward movement in mental and physical development, will prevent any general increase of alcoholism or inebriety. Psychological drink-waves may come and go, and tides of degenerative emigrants may bring an increase of inebriety for a brief time, but remedial forces will quickly neutralize and readjust the race march from the lower to the higher.

Many causes which seemingly are very active in Europe, increasing the number of female inebriates, do not exist here. Inebriety over there is a condition more or less fixed; here it is an accident and incident constantly changing. Change of climate, surroundings, and environment are often potent remedies for this accident. American women are great travellers, great observers, and great readers of current history. They are far more sensitive than men to the evolutions and revolutions of daily life. The constant educational forces of travel, of lectures, of the theatre, of literary societies, of churches and reform movements, of public schools, and the possibility of leadership and prominence in many directions, all lead away from alcoholism. When these forces are followed by nerve and brain exhaustion they will favor drug-taking more than the use of spirits.

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Temperance-reform movements are largely sustained by women. A recent writer has said that over half a million women are active workers in the temperance field, and not one per cent. of this number have been or are users of alcohol or opium. Among men a very large per cent. of active temperance workers are reformed inebriates. One reason for this is that women alcoholics and opium-takers quickly disappear from society and shrink from all publicity or possible reference to their past. Another reason is advanced that women are the greatest possible sufferers from inebriety, and hence are more sensitive to the dangers of drink, and turn to reform movements for relief.

In England, it is asserted that patent medicines composed largely of alcohol are popular and have an immense sale among women. In this country such medicines are sold almost exclusively to moderate and excessive drinking men. The division of bar rooms into general and family entrances (the outgrowth of the last few years) is thought to be evidence of increased drinking among women. A slight inquiry will show that it is the opposite. It is a sign of the growing ill repute of the saloon, and the desire of its patrons to conceal their visits.

For several years past a noticeable falling off in the sale of spirits to families in cases and packages has been apparent in all large towns and cities. The family trade of stronger liquors and wines is changing to light beers and mineral waters. A rapidly increasing demand has sprung up for table mineral waters, and every drug and grocery store is supplying this want. This is limited to the homes of the middle and upper classes, and such waters are consumed by the women as well as the men.

If, as some men assert, women are becoming drug-takers, using narcotics with increasing frequency, there is little or no evidence of it in public observation. There can be no doubt that there are many women inebriates who use both alcohol and opium. If the number is increasing they would become more prominent, and the evidence of this fact would be clear and accessible in many ways.

The American woman has never been a straggler in the race-march, but is always in the van, and a wide survey of the field will show that inebriety of all forms must of necessity be diminishing.

T. D. CROTHERS, M. D.

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A MONTH OF QUARANTINE.

BY E. L. GODKIN.

THE administration of the quarantine in the port of New York during the month of September last has excited the attention of the civilized world, and called forth from most observers outside the city, as well as in it, almost unmeasured condemnation. The medical journals of both Europe and America have treated it as in some manner barbarous and inhuman and inefficient. I might fill one number of THE NORTH AMERICAN REVIEW with short extracts from the savage criticisms passed on it by the non-professional journals of the civilized world. Somehow or other it has cast discredit on American government and society all over Europe. Moreover, as a matter of fact, it did not keep the cholera out of this city. Five genuine cases of Asiatic cholera occurred in September within the city, and the spread of the disease was prevented only by the energetic action of the Health Board.

The person on whom this great burden of censure fell was, of course, Dr. Jenkins, the Health Officer of the port, and I, therefore, in common I presume with most other readers of THE REVIEW, took up his article on "Quarantine at New York," in the November number, with great interest, expecting to find in it an answer to the charges of inefficiency and barbarity, either in the shape of simple denial or of valid excuse. This interest was increased by the fact that he has remained silent until now, under a torrent of indignation from the persons who have passed through his official hands, such as few public officers have ever been called on to encounter. To my great surprise, however, the article is a simple narrative, or, as he calls it, "abstract of what happened" during the cholera scare, without any allusion to the alleged defects in his management, which have called forth so many expres-

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sions of disapproval. The "abstract," is an account of his action in the case of the "Normannia," which he says "was repeated with every steamship which arrived with cholera on board." I may, therefore, confine my examination of his story to the case of the "Normannia" alone.

The place in the public service Dr. Jenkins filled in the month of September was, for the time being at all events, probably the most important in the United States. It called for great and well-known talent as an administrator, and great and well-known experience as a sanitarian. I say "well known," because the Health Officer at a great port in times of pestilence, or any officer charged with the task of meeting any danger likely to cause a popular panic, needs to be a man in whose judgment the public places implicit confidence. His word as to the extent of the danger, and the value of the precautions to be taken against it, needs to be a word to which all will listen and on which all will rely. Now, anxious as I am to avoid even the appearance of personality of any kind in these remarks, I cannot omit mention of the fact that Dr. Jenkins fulfilled none of the above conditions.

The statute from which Dr. Jenkins derives his powers provides that on the arrival of an infected ship in Quarantine, the passengers shall be "immediately" removed, the sick put in hospital, and the well discharged without "unnecessary" delay, and the ship and her crew then thoroughly disinfected. This is what sanitary science now prescribes. The Advisory Medical Committee of the Chamber of Commerce further recommend that the passengers should be removed to a "safe and comfortable place of detention;" that their baggage should undergo most "careful investigation," and be subjected to "reliable processes of disinfection." They also say that the detention of the passengers on board the infected ship, according to the old method, "usually, if not invariably, involves the sacrifice of human lives, extreme and prolonged mental and physical suffering on the part of the passengers, and such an unnecessary detention of the infected ship, as is seriously detrimental to the pecuniary interests of her owner."

Now let us see, under the light of these indications, in what manner Dr. Jenkins dealt with the infected ships in the month of September. As he tells the story in his article everything was done that could or should be done, under the rules of modern

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sanitary science, except the removal of the passengers from the ship. For failure to remove promptly I do not think he was to be blamed. He could not with the resources he had at command provide a "safe and comfortable place of detention" for 500 passengers of the "Normannia," even with the eight days' notice of her coming which he had. The city had provided no sanitarium and it could not be hurriedly improvised. Therefore, the quarantine which he had to propose for the "Normannia" was the old-fashioned mediæval one, consisting in the detention of the well passengers on shipboard until all danger seemed to have passed. Let us take in detail his description of his methods:

"All sick, as well as all suspects, were transferred to hospitals on Swinburne Island." Not one of the sick or suspects was so transferred for thirty-six hours after the arrival of the ship.

"The dead were also landed." The dead lay in the steerage in some cases twenty-four hours.

"I notified the Hamburg-American Packet Company to send down water-boats, so that a supply of Croton water might be on board." No Croton water came on board for five days after the ship's arrival. The crew and stewards were during all that period drinking, and the passengers were washing, in the Elbe water taken on board at Cuxhaven. The Hamburg-American Packet Company sent down no water-boats, because the crews refused to go, and the authorities had not provided this indispensable instrument even of a proper old-fashioned quarantine. The ship arrived on Saturday morning, and fresh water only came on Wednesday night at 9 o'clock, just as the captain had determined to break bounds and go up to the wharf to get it.

"The company sent down a transfer boat, and all the immigrants, with their baggage, were landed on Hoffman Island." But not for thirty-six hours after the vessel's arrival.

"Dr. Sanborn, one of the most experienced assistants on my staff, and a man who knew exactly what to do, took up his residence on board the steamship. It was largely owing to his efforts, I think, that everything went as well as it did." Dr. Sanborn did not take up his residence on board until five days after the ship arrived, the captain having in the meantime been struggling to disinfect the ship with his own crew and a scanty supply of disinfectants sent him by the company.

"The dead were removed at night, to save the feelings of the

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living, and were cremated." Some of the dead were removed with very little regard to decency in broad daylight, in my presence, and it was solely owing to the exertions of a few of the passengers in clearing the side of the ship on which the transfer boat lay, that the process was not witnessed by the whole of the cabin passengers.

"The baggage of the saloon passengers was washed down with the bichloride solution." The baggage which the passengers had in their staterooms, and which was much more likely to be infected than that which was in the hold, and was enormous in quantity, was subjected to no process of disinfection or examination. The passengers took it away with them just as it was.

Dr. Jenkins makes no mention of the transfer of the passengers to Fire Island, but that was marked by two serious offences, one sanitary and the other administrative. The first consisted in crowding the second-cabin passengers, among whom a case of cholera was supposed to have occurred, in with the first-cabin passengers, among whom no such case had occurred, on a small excursion boat, the "Cepheus." The other was hurrying them out in the open ocean, late in the afternoon, without a pilot, and against the advice of the captain, and without saloon or deck-lights, and without a doctor or medicines, to reach a difficult inlet on a very dangerous coast. This attempt ended in failure. The second was like unto it, and consisted in sending the same boat with the same passengers on the following day, without proper information as to the possibility of landing them at Fire Island, although threats of armed resistance had been rife for several days. Dr. Jenkins passes these incidents over without a word. I append here, in support of the above statements of mine, the following extracts from the report sent to Governor Flower by a committee of doctors on board the ship, headed by Dr. Lange, well known as one of the foremost surgeons in this city, and made on the fourth day of the "Normannia's" quarantine, Tuesday, September 6:

"(1). At no time have there been facilities to remove the sick immediately after the onset of the choleraic symptoms; even dead bodies have been kept on board for twenty-four hours and more.

"(2). At no time an official thorough inspection of the ship has been made, nor have any measures been taken with regard to disinfection except such as were possible with the insufficient supply of disinfecting material carried on board.

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"(3). Disinfecting material has not been furnished promptly, in spite of the request of the ship's authorities. Their demand made on Saturday, 3d, to place on board the ship an official expert to supervise and execute thorough disinfection has not been complied with.

"(4). The water supply of the ship has not been taken care of in the proper way; although by Monday morning the tanks were clean and ready to receive fresh water, such is not on board at the present hour.

The second-cabin passengers were, as a result of this too hasty action, on board this little boat for fifty-six hours, or from noon on Sunday till 6 P. M. on the following Tuesday, without regular meals or beds. The first-cabin passengers were on board the same boat under similar conditions for thirty-six hours, 600 persons in all, with no place in which to lie down but the floor. Had cholera broken out among them during this period, and especially cholera of the swift Asiatic type, against which Dr. Jenkins was guarding, the patients would have had to meet his or her fate on the bare deck, surrounded by a crowd and without nurse, medicines, or vessels. The only cholera remedy on board was a small quantity which one of the passengers, Dr. Sillo, of New York, had hastily thrust into his pocket at the last moment on board the "Normannia," when he heard to his amazement that the passengers were being transferred to the "Stonington," without a surgeon or medicines.

The case of the "Bohemia" was, if possible, a still worse illustration of these methods than the "Normannia," but Dr. Jenkins makes no mention of her in his article. She arrived, to use his own language, "infected from stem to stern," having 664 steerage passengers, and a record of 52 cases of cholera and eleven deaths during the voyage. She was detained in quarantine with all her passengers on board for fourteen days. After the fourth day no fresh cases occurred; but seven days later, the passengers still remaining huddled together, the disease broke out again, five fresh cases occurring, with two deaths, eight hours after the attack. Who was responsible for these deaths?

The mental condition of a large body of people likely to be detained on shipboard in danger of infection for an indefinite period ought, to be one of a Health Officer's first cares. His first visit to the ship should be devoted to the business of cheering them up, particularly when, as in the case under discussion, he has to deal with a large number of women, of invalids, of elderly persons, of persons whose money is running low, whose

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homes are distant from the port, all of whom are likely to be profoundly depressed by finding their journey suddenly arrested under these appalling circumstances. He should at once cal them together, explain the situation, make its brighter side as prominent as possible, tell them of the provision he is making for their health and comfort, and of the conditions on which their liberation depended, and provide prompt and regular means of communication with their friends on shore.

In the case of the "Normannia" nothing of the kind was done or attempted by Dr. Jenkins. His visits to the ship were very brief, and passed in short private chats with the captain, and his one public address to a very considerable number of the passengers was a threat made on the second day of quarantine to keep the whole body in confinement for full twenty days if any of them wrote to the newspapers, or rather to a particular newspaper with which he seemed to have a quarrel of some kind. The mail and telegraphic communication with the shore for the first three days could hardly be said to exist, and in its absence people availed themselves of such surreptitious facilities as were offered by the newspaper reporters and the crews of the quarantine boats. Later it became more frequent, but was to the last very slow and irregular. A letter took, on an average, two days to reach the city, which kept friends on shore, who supposed that cholera might kill in five hours, in a state of agonizing suspense. In fact Dr. Jenkins' attitude towards the passengers' correspondence was that of the warden of a penitentiary towards the letters of the convicts. He persistently refused to deliver a letter addressed by Mr. Grainger, a leading citizen of Louisville, Ky., to the care of a person in the office of a New York newspaper, and compelled him to change the address before consenting to take charge of it.

The leading medical paper of New England, The Boston *Medical and Surgical Journal*, has declared this September quarantine of New York a "national disgrace about which the less said the better." From this view every thoughtful citizen will dissent. A "national disgrace" is something which should be incessantly talked about as long as its recurrence is possible. No good man should hold his peace about a public abuse, as long as it exists and a remedy is within reach. The New York quarantine is in no better condition to-day than it was on the 31st of August last. The danger which brought to light its defects in

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such a hideous way in the following month has not disappeared. The best opinion of the sanitarians is that cholera is likely to recur in the spring in Europe, if not here, and should it find us still unprepared "national disgrace" will be a mild term, especially in the year of the Columbian Fair, to apply to our condition. If Congress and the President do not this winter put the whole business of protection from foreign infection into the hands of the Federal authorities, they will be guilty of almost criminal negligence. This done there would be a uniform system in every port, and at this port, the great gateway of the country, the quarantine service would be managed by the trained masters of organization who make our army and navy a subject of national pride, aided by the advice of our leading sanitarians who, as the London *Lancet* says, are in this field "men of the highest eminence."

E. L. GODKIN.

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"WAGES OF SIN."

GENERAL PARESIS OF THE INSANE.

BY HENRY SMITH WILLIAMS, M. D., MEDICAL SUPERINTENDENT OF THE RANDALL'S ISLAND HOSPITALS.

OF ALL the diseases that menace the race, only a few are absolutely fatal. Indeed, there is but one common disease that invariably brings its victims speedily to the grave. This most ruthless of maladies is that terrible form of insanity technically called general paresis or paretic dementia, and known to the layman as "softening of the brain." Its unvarying history entitles it to precedence over consumption, cancer, Bright's disease; in short, places it peerless in bad preëminence. And as if this were not enough, its malignity is emphasized by the way in which it juggles with its victim before it extinguishes his life. It changes his personality, dethrones reason, almost eliminates the mind, and, steadily weakening the body, leaves towards the last a mere skeletal, vegetative being scarce recognizable as the vestige of his former self; unknowing, unfeeling, mindless, to his friends at once a tearful memory and a terrible objective presence. Finally death comes in a form horrible enough to be the fitting climax of so awful a disease.

To make the image yet sadder, and hence truer, it should be added that paresis usually selects for its victims the more intellectual members of the community. "Selects," did I say? Rather, I should have used the passive tense; for paresis does not come unbidden. Ruthless as it is when once it has seized a victim, it need have no terrors for any one who does not invite it by his actions. And this, perhaps, is the saddest fact of all in the sad history of this baleful disease. To stand helpless and see a strong man cut down by disease is always appalling; but to feel that his disease was preventable; to know that he is but reaping as he has

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sown; to have the words come unbidden to your lips, "the wages of sin is death,"—this is indeed a bitter and humiliating experience. Yet such is the lot of the physician as often as he meets a case of paresis. Powerless to stem the tide of this disease he must stand aside, reproaching himself and his art, while victim after victim goes down to certain death before his eyes. Only one thing remains for him; he can give a warning cry to those who are unwittingly treading the path that leads to this pitfall. Exactly this is my present purpose. Let me briefly describe this dread disease; let me then tell of the way of life that leads to it.

Imagine, if you please, a strong man of exuberant temperament; one of those buoyant souls who carry into middle life the spirit of perennial adolescence; to whom at forty, as at fifteen, every goose is a swan and every lass a queen. You all know the type: a large-hearted, generous, thrifty man; active, energetic, successful, usually good-humored, at times irritable, excitable; one who does nothing by halves; who speaks and lives always in superlatives. All his experiences are recounted in hundreds and thousands; each day is the finest or foulest he ever knew. He knows no happy mean; his pathway lies always on high mountains or in deep valleys.

But there comes a time when his exuberance seems to forsake him. He is often depressed, even hypochondriacal. His intimates note a change in his disposition; he is more often irritable or angry. At times his memory fails, his judgment lapses; he commits indiscretions that are "unlike him." He himself becomes alarmed and consults a physician. Rest and recreation being prescribed, he goes to the mountains or the seashore. A few weeks later he returns "a new man."

For half a year he is like his old-time self. Then some day he surprises his friends by announcing a scheme for making "hundreds of millions." He invites all his friends to join him in the enterprise, promising each a few millions. His plan may contemplate the cornering of a market, the bridging of the Narrows, a new system of railroads, aërial traffic to Europe, or what not, according to his previous bent, for delusional ideas seldom cut altogether free from the sane line of thought which they supplant. The idea, possibly, may be a feasible one, or altogether Utopian; in either case the promulgator regards it as a certainty all but realized, and is unabashed by skeptical criticism. He has ready

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answers for all objections—answers so visionary as to fully expose his mental condition. His friends very likely think he has been drinking, for this phase of the disease is strangely like some stages of intoxication. They advise him to go home, and think to see him all right on the morrow.

But his exhilaration does not subside. He is incessantly active, and he cannot sleep. It is proved that he is not drinking, yet his seeming intoxication increases. He makes the wildest purchases—pianos, jewels, furs, furniture, horses, houses—anything and everything at any price, as long as his money or credit lasts. Finally he becomes altogether ungovernable, perhaps dashing wildly along the street, accosting strangers and promising them millions if they will enter into his schemes. His judgment is altogether in abeyance, and chaotic emotions rule supreme.

Attempts to restrain him at home proving futile, the patient is sent to an asylum. Here probably he goes from bad to worse for a time. Perhaps he is incessantly maniacal, raving and cursing incoherently. Or he may be the embodiment of happy fatuousness; singing, whistling, shouting, rambling on from one topic to another; developing an elaborate scheme for money making, only to abandon it for another and yet another, each more ridiculously visionary than its predecessor. Or perchance his unbridled imagination does not run in monetary channels. He is a giant, a person of astounding strength, a man of marvellous learning, or a wonderful inventor. Whatever he has striven for without attaining in his sane moments will be likely to claim his shifting attention now, and unchecked imagination will carry him at a bound to higher pinnacles than his most idle day-dream had ever dared to fancy. If he has been a man of versatile mind, his powers now are all superlative. He is a great teacher, preacher, lawyer, doctor, inventor, author. As imagination shifts on untrammeled, he becomes king, emperor, Deity. He cures with a touch of his hand, threatens to kill with a glance those who offend him; he blesses and curses with indiscriminate fervency.

If the case is to run a typical course, the patient finally rallies from this condition; excitement subsides and apparent convalescence supervenes. His friends feel that he is making a good recovery; but the expert knows that the disease is merely progressing towards that painfully delusive remission which characterises it. It suggests the very refinement of cruelty to see a patient

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come out of acute mania into a condition so simulating normality that his friends believe him entirely well; a condition perhaps enabling him to return to his business and the ordinary relations of life; and yet to feel that this is all but an illusion; to know that after a few weeks or months of this remission, the disease will renew its active attacks, with a certain sequel. Yet such is another of the painful features of this malignant disease.

Indeed, marked remissions are a characteristic feature of the malady. Usually there are several of these in the course of the disease, but the one that follows the first maniacal outburst is usually much more pronounced than the rest. Each remission marks, seemingly, a time when the recuperative power of nature temporarily overcomes the destructive power of the disease. This would seem to be a time when art might come to the aid of the more benign but weaker force, but alas, we know not how this may be done. In the present state of our knowledge, nothing is more certain than that the destructive force will ultimately prevail in every case of paresis. Some day perhaps it will be otherwise, but I speak of things as they are.

During the very best remission, the patient is not to the practised eye absolutely well. He has not quite his original degree of mental force. It is significant, too, that he cannot appreciate the severity of the attack through which he has passed. He will seldom concede that he has actually been insane, but will be ready with would-be-plausible explanations of all his bizarre actions. Often the remission proves a most disastrous stage of the disease. Through weakened judgment and perverted emotions, the patient is likely to make absurd business ventures. He may be decoyed from his friends by some woman who formerly could not have tempted him, but who now secures his ready money and a will bequeathing her his entire estate. If a bachelor, he commonly marries his mistress. And it is difficult to annul any contracts made at this time, because to casual observation the patient seemed so well.

The most remarkable remission may last for several months. Then comes the inevitable relapse. This may take the form of a convulsive seizure; or of a maniacal attack, usually less active than the first; it may be a condition of stupor; but whatever its guise it marks the beginning of the end. The fatal termination may come at once, a blessing in disguise, but usually it is delayed

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for several months, sometimes for several years. The steady decline of body and mind furnishes one of the most pitiable spectacles. The patient's skin becomes of a pasty hue; his face loses its natural expression; his speech is indistinct and slurring, his gait unsteady; his muscles flabby and wasted.

Meanwhile, his mind is again made up of shifting emotional states. He revels in grandiose ideas. He is a king, a deity, a multi-millionaire, the owner or the maker of the world, a giant, the strongest and handsomest of men. He owns horses that can trot a mile in a minute; yachts that sail around the globe in a day; engines that run a thousand miles an hour; houses made of solid gold set with diamonds.

A grandiose idea has but to be suggested and he imbibes it. For example, a paretic who was parading as Napoleon came in contact with one who claimed to be Mahomet. Pointing him out to me he said, laughing, "Isn't he crazy, though!" "How so?" I replied. "Why, he thinks he is Mahomet." "Well, how do you know that he is not?" "How do I know?" with an air of surprise and injured dignity; "How do I know? Why, I am Mahomet." Accepting this idea, which had never until that moment occurred to him he at once acted upon it, ceased his military strutting and ordering and began praying, probably for the first time in his life. But presently the rival Mahomet angered him by questioning the authenticity of his revelations. He became enraged, and swearing fiercely, as had never been his habit when sane, now declared that he was John L. Sullivan, and would whip the impostor within an inch of his life. Tottering about the hall with scarcely the strength of a child, he declared himself able to tear down the walls of the building, Samson-like, and destroy his enemy; he refrained from doing so only because some of the attendants were his friends. This suggested yet another idea; he forgot his anger and his strength, and begged piteously of his "friends" that they would unlock the door and release him, promising each a gold castle and a hundred beautiful wives from his oriental harem in return. Mention of the (imagined) harem again shaking the kaleidoscope of his mind he forgot his request almost before it was made, and started upon an enthusiastic description of the debaucheries of his earlier years—an extravagant narrative in which, it is to be feared, he was supported by more than a film of truth.

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Such are the vacillating emotional states that make up the mental life of the advanced paretic. Still later, the emotions sink to a less and less degree of elaboration, until at last about all that remains of mind is a fatuous sense of well-being. His body correspondingly weakened, the patient lies in bed, unable to care for his slightest needs; his face a blank or illumined by a hideous smile that tells only of mental vacuity. If given food he swallows it voraciously, but he would starve with food by his side and choke with water before him, too mindless to carry either to his mouth. Swallowing is instinctive, but he gulps as eagerly at the lather placed by the barber on his face as at the choicest viands. The sense of taste, like all the other senses, is practically annulled.

Voiceless, mindless, wasted to a skeleton, seeming a mere vegetative organism, he is still human, still the father, husband, brother of beings who love the memory of what he was, and who pray for the death of the sad image that remains. Surely now it would seem that the time had come for the close of the piteous tragedy. Yet often it is prolonged month after month. And when the end does come, it is not the blotting out that one might expect, the mere snuffing of a spent candle. Instead it usually comes as a convulsive seizure or a series of seizures. A horrible spectacle, whose only mitigating feature is the fact that the patient himself does not suffer; he lies oblivious in coma. Indeed, the whole course of the disease, after the initial stage, has been to the patient a prolonged euthanasia. But the friends? To them the years of decline have been one long, hideous nightmare, compared to which the course of consumption or of cancer is a thrice-hallowed blessing.

Such, in bare epitome, is this dread disease, paresis,—a disease that has numbered among its victims some of the best-known authors, some of the best-loved actors, noted statesmen, eminent lawyers and physicians, prominent business men, and hosts of men who were above mediocrity. Usually, as I have intimated, it attacks strong men in the prime of life; and I have outlined the temperament that most invites it. But, of course, other temperaments, though less susceptible, are not exempt; and sometimes a younger victim is selected. I have seen one youth of eighteen in its toils, and several who were just turned twenty. They had begun to "see life" very young.

Of course it is not to be understood that the stages of this

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disease follow an absolutely fixed routine. The abnormal is everywhere only a perversion of the normal, and until we have two organisms exactly alike we shall never see two identical cases of any disease. Still the essential symptoms of typical cases of paresis are singularly uniform.

But aberrant cases do occur. Sometimes, for example, the patient runs the entire course of the disease without any maniacal outburst. He simply becomes indifferent to his surroundings; his memory fails; all enterprise, energy and business capacity are lost; he sits dreaming inanely all day long, his mind becoming finally reduced to a drowsy sense of satisfaction, varied at most by fits of temper. His moods are the moods of a child, and he is as easily diverted and controlled. Such cases often do not require asylum treatment at all. They pass down a more even decline than the typical cases, but the goal is none the less sure.

In other cases the early, hypochondriacal stage of the disease is much prolonged. For weeks or months the patient is intensely depressed. His mind is made up of doubts, fears, and questionings. Some of the most piteous appeals for sympathy I have ever seen were letters written by patients in this stage of the disease, attempting to describe their own feelings. This period of depression is always present, but sometimes it so long antedates the maniacal outbreak that its significance is overlooked. Whether long or short in duration, and whether it comes days, weeks, or months prior to the mania, it is the borderland between rationality and the condition of fully developed paresis. From this borderland the patient looks back longingly and regretfully upon his sane past, and catches fearful, though vague, premonitory glimpses of his awful future.

It seems paradoxical that the patient who during this early stage thinks himself lost forever, will a few weeks or months later, when the fatal disease has more firmly fixed its hold, declare himself absolutely well—better, stronger than ever in his life before—and laugh to scorn any one who contradicts him.

Whatever the dominant mood of an insane person, he will cling to it despite all reasoning or entreaty. Nor in this are they very unlike the sane. Our own feelings must ever be our criterion of belief in the last resort. What I myself experience, not what you experience, will be my test. Seeing—by which is meant personal observing or feeling—is believing with us all.

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This fact explains the apparently anomalous conduct of the paretic. During the early stage of his disease he will not admit a ray of hope, because he *feels* hopeless. Later on, though his body is weak and every faculty and function is failing, he cannot be persuaded that such is the case, because he *feels* well.

But why, it may be asked, does the patient experience feelings so at variance with the facts? Usually a person feels ill because he is ill, or well because he is well: why is it otherwise with the paretic? Now the "whys" of things physiological are not always easy to make out; nevertheless, it happens that we are able to give at least a proximate solution of this seeming anomaly. Every one knows that the brain is in some way indissolubly connected with the mind. It appears further that the activity of the mind depends, whatever the link of connection, upon the circulation of the blood in the brain. Under normal conditions, the blood supply is regulated and momentarily changed in accordance with impressions sent from the outer world. But in the brain of the paretic, the mechanism that should regulate the blood supply is out of order. During the early stage, a free flow of blood is not permitted. Hence the mind is persistently sluggish and depressed. Tell the patient that he has fallen heir to a fortune: no responsive thrill goes through his mind. Entreat him to cheer up: he cannot.

Later on, through a different maladjustment of the controlling mechanism, the brain of the paretic is permanently surcharged with blood. A perpetual sense of well-being then encompasses him. Tell him that he is ill: he laughs at you. Assure him that he is doomed to an early grave: he replies, "I will live a century." He feels, as he never felt before, the lust and strength of youth. The circulation in his brain is persistently overactive; his ideas correspond.

But over-activity means excessive wear on the mechanism of the organism, just as on an inanimate machine. Hence the brain in which this abnormal activity prevails wears out rapidly. Its cells degenerate and become useless. At last it is so wasted that its functionings produce only the most rudimentary mental states. Then the tissues become so weakened that small blood vessels burst, lacerating the brain, and bringing on those convulsions which are so painful a feature of the disease, and which finally terminate the patient's life. Post-mortem examination

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will show that the brain of the paretic may not be "softened," but that its cells and other tissues are everywhere more or less degenerated or decayed. It is inconceivable that these wasted tissues could be replaced with normal ones; hence it cannot be even hoped that an advanced case of paresis will ever be cured. But of course there is a time in the history of every case when decay is only incipient. At the disease in this stage preventive medicine may hope some day to aim its shafts successfully.

So much for the disease, paresis. Now, as to its cause. It can be epitomized in two words: excessive action. Paresis is a protest of nature against abuse of function. Whatever act tends to bring too great or too continuous strain upon the blood vessels of the brain, tends to weaken them, and thus invites paresis. All mental over-activity brings such a strain. But few of us are gifted with working enthusiasm that will ever menace our minds. Still there are cases doubtless in which mental overwork of a strictly legitimate kind has been an active factor in paving the way for paresis. Business stress and worry are far more common factors. Alcohol is a yet more potent accessory. But in the vast majority of cases, though these accessory causes have their effect, the chief causes of paresis are habits and excesses that I cannot properly more than hint at here, working on a foundation laid by a disease whose name I may not mention because it is in itself a synonym for immorality. I need not elaborate, even could I do so with propriety. This disease, these habits, these excesses are but too well known. I have tried to make visible one of their commonest sequels.

It will now be plain why paresis is a disease of civilization,—sad commentary though that be; more common with men than with women; more prevalent in the city than in the country; and one that is claiming a larger coterie of victims year by year.

I have often wished that I might have beside me a company of the bright young men of the period when it has been my duty to stand by the death bed of a paretic, that I might say: "Young men, the pathway you are treading leads to this abyss; turn while there yet is time; let this frightful example teach you wisdom." But I fear that such a warning would for the most part be in vain. I recall the remarks of a paretic who one day in humble mood said to me sadly, "Ah, Doctor, the fate of these poor beings (his fellow patients) ought to be a warning to the

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unrighteous. They have all come here through excesses; through crimes against God and their fellow men and women."

"But, David," I replied, "have not you yourself been guilty of many such excesses?" All his piety vanished in an instant, and a joyful reminiscent light came into his eyes as, grasping my arm, he cried: "Excesses. Have I? Why, all these hundred fellows together have not had as many *liaisons* as I; and I shall have as many more. *I* am invincible; these things only strengthen *me.*" And chuckling gleefully, he tottered off down the hall, "to convert that poor sinner yonder." Paretic though he was, I fear that his feeling is typical of the judgment of most of us regarding ourselves. We are willing enough to point a moral at the expense of our friends—but at their expense only.

Hence I doubt not that most free livers who read these pages will at most stand aghast for a moment, and then go on in the old path, saying lightly: "Oh, these things will never injure me." There is one class, however, of whose lasting attention I feel well assured. I mean those who, as they read, fear that this disease has already secured a hold upon them. Believing the horse to be stolen, these will rush eagerly to lock the door.

Now above most other things I would regret to pose as an alarmist. So I hasten to reiterate, for the benefit of these frightened ones, what is everywhere implied in this paper. If you have lived a measurably temperate life, you need not fear paresis. Whatever your symptoms, whatever your disease, you have not, and will not have, this disease. I should be sorry indeed to frighten any hypochondriacal dyspeptic into an early decline. But, on the other hand, I shall have no compunction at all if my words carry consternation into the ranks of the transgressors. I only hope that the warning has not come too late.

But most of all I could wish that this warning might reach the young man who has only thought of and has not yet started on the alluring, but illusive, pathway of which I am speaking. An ounce of prevention is everywhere worth a pound of cure. But here we may safely modify the old adage with the paretic's own figure of speech—hyperbole—and read, a *grain* of prevention is worth a *ton* of cure; for one may prevent paresis always if he begins in time; he may cure it—never.

HENRY SMITH WILLIAMS.

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NOTES AND COMMENTS.

PLAYWRIGHTS AND LITERARY MEN.

THE plaint that literature and the drama are constantly getting wider apart is not a new one and is only a corollary to the proposition that play-writing is in a sad state of decline. These ideas are entertained for the most part by people who never go to the theatre at all; and they are propagated, like many other traditional errors, because they represent a part of the truth that looks very much like the whole truth. At intervals the general subject is taken up by by the public prints as a matter of emergency.

A recent article by William Archer in the *Fortnightly Review* set forth the old opinion that the drama had fallen into the hands of the Philistines, and urged upon the accepted novelists of the day, as a thing of duty, to "at least make some effort" in the dramatic form of writing. The *Pall Mall Budget* forthwith addressed letters of inquiry to these same people of genius, informing them that the drama was in distress, that it was no longer literary, and asking them why they didn't do something about it. Their replies have appeared under the description of "Why I Don't Write Plays." It is obvious that, with modifications, there are but two answers to the question: The one, that the writer is not skilled in the requirements of play-writing, and does not wish to abandon a form in which he is skilled and in which he has been successful, in order to learn a new literary trade; the other, in whatever terms the attack may be made, is that the drama is an inferior form to the novel. The first answer is the solution. The second involves all manner of prejudices and misinformation.

A common misapprehension among literary men, that is to say, versifiers and novelists, is that literature is a matter of words, a thing of collocation and orthoëpy; whereas its chief and essential function is to express sentiment and thought, and the composition of an impressive painting involves a like process of thought through which a poet would have to pass in writing on the same incident. The picture may be more effective than the poem. The poem must be read. The picture must be seen. Now, the tendency of the true drama is to symbolize, to present living pictures; while economy in words is one of the pressing needs in vitalizing a strong action. The dramatist, however happy he may be in his diction, knows that the literary trick can only give finish or incidental aid; that a drama is not a literary thing at all, in the sense of being hammered together out of words; and that, in fact, it is no drama unless it remains incomplete in its effectiveness until it is acted. But even if the "literary" part of it be inconsiderable, yet, if it accomplishes a worthy purpose, it is literature.

With this distinction in mind, it is well to turn to some facts in the history of letters that account, in a measure, for some of the misapprehensions. The conditions of the Greek drama were very peculiar, yet its plays were written to be acted, and in tragedy were highly poetic. The *technique* of that stage permitted an ideal union of the literary and the dramatic; but the poetic drama is only one form. In all genuine and bustling comedy,

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ancient or modern, the literary element has small part. Plautus was not a man of words. His plays were for the stage. Real life requires the language of the day, and the artificialities of literature are entirely foreign to it, for a good play is life itself.

Again, verse is merely a convenience, and the belief that literature, particularly as it concerns the drama, belongs almost solely to this form of expression has long since been exploded, and has troubled no man, with any appreciation of facts, since the days of the extinct school of Corneille. The abandonment of verse was an emancipation. The drama has not declined; it has simply expanded. It is constantly expanding and gaining new forms and fresh strength. From the Shakesperian standard in the matter of the poetic form it *has* declined. Now, if as a result of Mr. William Archer's invitation the novelists and poets do make an effort, it will be well; for soon or late the poetic drama will again have its triumphs.

There is no divorce between literature and the drama. If the drama and that literature which consists in fine writing are getting wider apart so much the better—for the drama. The play has many limitations, but it has rejected fine writing as one of its indispensable conventionalities.

A play is, in reality, not written, but constructed. So is a novel constructed, but much more loosely; for in many of the best of them are "antres vast" of mere dissertation. It would not be wholly to the purpose here to go into an account of the technical differences between the novel and the drama. It is sufficient that these differences exist. It may be noted that in some particulars, as, for example, in the metaphysical, the novel offers a full opportunity to the writer who explores the soul and analyzes the emotions. Of all this minute verbiage the drama knows absolutely nothing. It is satisfied with facts, and the broad effects that leave refinements and analysis to the critical and the thoughtful who profit by the thing seen. It is useless to discuss the question of the relative merits of the two forms of literature. Each has its limitations. Each requires to be pursued by a writer as an art. Each form even of the drama has its own special limitations, and the writer skilled in farce has neither the natural nor the acquired aptitude for the writing of a tragedy. Is there, then, anything remarkable in the inability of the novelist to write a play—and all kinds of plays?

It is a good indication when you find even a few novelists who are not afraid to frankly say, "I don't know how to write a play."

The common impression, and the one to be gathered from the inquiry of the *Pall Mall Budget*, is that it is a rather easy matter to write a play, and that any literary man could do it, if he only would. There is a great deal of needless unhappiness among men of letters growing out of this false belief. Why should an author be disturbed if he fails in the attempted task? The matter is so simple that this writer, in a recently published book, "The Technique of the Drama," felt that he had incidentally covered the case in these few words:

"The dramatic instinct is essential in addition to a knowledge of *technique*. One may have genius in some other line, like Richelieu in statesmanship, and yet lack the dramatic faculty. On the other hand, a man of no literary turn may instinctively know how to set his dramatic squadron in the field. The reason, no doubt, why so many distinguished poets and novelists—like Tennyson and Dickens—fail in the drama, is because their habits of thought and methods of expression become fixed, and their genius

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cannot bring itself to yield to the unyielding domination of dramatic rule. And why should it? The world has gained, rather than lost, by their failure, for what they had to say was said in the appointed way."

And we may go farther and say that it is almost as absurd to expect an artificer in silver, a painter, or a sculptor to write a play, as a novelist who has been in the habit of filling his three volumes with his anatomical studies of the human heart. Is there not enough glory to be gained in the mastery of one art or the pursuit of one career? Why should we expect Bismarck to write a play? Is there really a demand on the part of the public that our novelists write plays? The fame that is earned in successful work for the stage is supplemented by a standing offer of large reward. It is the operation of entirely natural causes that keeps people from writing plays,—that is, successful plays.

If the novelist or the poet wishes to enter the field he must learn the art. In these crowded times there is no room for the work of amateurs. The world's desire is to have all from master hands, and at no time in our history has there been a nearer approach to perfection in form than exists to-day in our acted pieces.

It is a further mistake to believe that the drama is hemmed in by conventionalities. It is, rather, governed by principles, by nature itself, and its limitations are wholesome. Some of the novelists object to the mechanical, the shifting of scenes and the like. They should reflect that their own books are filled with the scenic. One avers that the audiences of the present day are inferior in every way to the people who read books. Another maintains that plays are made to fit actors and not nature, that actors are not equal to the work, and so on. But all such statements merely reflect the accidents and not the essential things of the stage.

The plain fact is that the drama is difficult to handle. Its first requirement is self-abnegation. The author surrenders at the outset all applause to the people who act his plays. His only gratification must be in the perfection of the objective. As an art, play-writing is the exact opposite of writing *currente calâmo*. It is almost a writing backward, from right to left; it is the negative that is to be developed into the positive; an image to be reversed in a glass. It is easy and a delight to some, who have gained the art; difficult to others not entirely practised in it; and impossible to those who know nothing of it, or who will not learn its limitations or submit to them. He is the best writer, dramatist or novelist, who has mastered his form.

Mr. Lucas Malet and Mr. A. T. Quiller Couch say in very much the same terms that they do not propose to begin over again and learn a new trade. But it is this very frankness, conspicuous in these two respondents to the query, that would enable them to loyally accept and work with all possible success under the unyielding principles of the drama.

W. T. PRICE.

AMERICAN CHAUVINISM.

TO BE irrationally hopeful and buoyant, to have an overwhelming estimate of one's value and importance, is the prerogative of the young. But the United States have now passed their national first youth, and have reached a period where their needs, condition and status as a people should be plainly understood. It is, nevertheless, a fact that the American people

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are inflated with a national vanity which creates among them a misconception of their country's relative value. Patriotism is a distinctly different sentiment. The mistake is made of attributing to personal and national greatness those wonderful resources at the command of industry, intelligence and enterprise—resources vastly varied, from which flows large prosperity; for energy, foresight and enterprise are distinctively American traits. This accumulation of wealth, which is the cause and criterion of civilization, is not due to exceptional merit or genius on the part of the people.

A scrutiny of the commerce, the industrial and fine arts, and the sciences, in those great European countries which lead in civilization, should force the conviction that the Chauvinism of the American is ill-placed.

The export and import trade of the United States, in proportion to the wealth and opportunities of the population, does not compare favorably with that of England, France, Germany, Belgium or Holland; any of which nations, if they could handle the great staples of the United States, would, by sagacious diplomacy and superior management in shipping and manufacturing, monopolize to themselves the markets of the world. That the western farmer should have been compelled to consume his grain as fuel, while Russia, Italy, Roumania, Servia, and a large area of the internal countries of Europe stood in need of food supplies, is a sufficient comment on the defective organization of the national affairs of these States. The interdiction of American pork from Germany, on the score of its unsound quality, was thus a mortification to American pride.

Adulterations and cheating in the preparation of food supplies and goods have often impaired the American reputation for honesty in trade.

In the matter of fine workmanship in the industrial arts, the American manufacturer has recourse to the European workman.

To one who has wandered through the cathedrals, imperial palaces, art galleries, and other edifices scattered throughout the old world, of Europe, Turkey, Japan, and the East, the greatest American achievement in architecture appears plain and inartistic by comparison. A cathedral whose foundation was laid in 1284, and upon which, during all these centuries, the most exquisite skill, genius, and money have been lavished, must of necessity surpass any conception of the American mind.

Nor are the engineering feats accomplished by us more magnificent or startling than those of other people. Some of our great bridges, jetties, and railroad constructions claim admiration, but the tunnelling of the Alps and the Thames, the Severn and the Mersey, the Suez Canal, the dikes and and drainage of Holland, the Siberian Railway, and that which traverses the Himalayas, the irrigation of Sahara, and other stupendous European undertakings, are of equal magnitude to our own, if not superior to them.

The basis of our prosperity rests upon our agriculture. The great staple products are the sources from which the manufacturer, capitalist and merchant, the railroads, the exporter and the importer, all draw their prosperity. Agriculture, therefore, should demand the most scientific attention. It is of recent date only that our various products have received an advanced method of treatment. The results attained by such culture in Germany and France have been greater to the acre than in our States. At the approaching World's Fair in Chicago, the displays from other countries of the skill and genius of their people should serve as a practical lesson that the Chauvinism which would boast of all things American had best be abandoned.

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It is to be regretted that there exists a super-sensitive objection among us which would debar all scrutiny and all comparison; and will not permit the concession that other nations have accomplished greater and more marvellous undertakings than our own, or that other countries, in proportion to their opportunities and resources, are more prosperous and better governed than are these States. This unwise habit of stifling criticism among us has worked infinite mischief to this country. Any dispassionate judgment passed upon the inferiority of the American production or on the mismanagement of American affairs is discountenanced as being unpatriotic and fulsome, and unwarranted adulation is the only expression of opinion tolerated. And yet nothing is more purely patriotic or profoundly judicious than just censure and correct criticism. Such condemnation is utilized and considered in Europe. Until the American citizen can welcome dispassionate analysis errors will abound and enlightened progress will be retarded.

The most serious blunder common to these States is the complaisant belief that our present government is peculiarly beneficent, admirable and perfect. Many of its enactments are as objectionable, practically, as the theory on which it is founded is admirable.

Of late we have had attempted legislation by Congress, alarming from the reckless injury which might be inflicted on the most vital interests of the people, and sorrowfully appalling by reason of the foreshadowing of future endeavors of a like nature. A Congressional postal law curtailed the liberty of the press, the very keystone of American liberty. The entire trade and commerce of this Union now stands trembling, awaiting with hope and with bated breath the defeat of the pending anti-options bill.

A grave and alarming antagonism between capital and labor has been engendered and brought about by crude, partial and unjust federal laws enacted for favored industries. The storm thus evoked has not yet gathered its full strength. The labor strikes at the Homestead mills are potential of future and still more dangerous troubles, which will assuredly test to their utmost the solidity of American institutions and the breadth of American leadership and patriotism. And it is yet uncertain whether the monied power will gain the ascendancy, and, casting aside all reserve, establish its hold permanently and autocratically upon the destinies of this country; or whether the sober and conservative element may, by consolidated action and a return to a safer interpretation of the fundamental laws governing these confederated States, and, by equalizing legislation, effect a pause towards an approaching catastrophe. The summing up of these facts proves the political degeneracy of our present epoch. It remains to be demonstrated whether the party leaders have the ability to cope successfully with the stupendous issues now pending.

Nor can it be denied that the arts and sciences are still far behind those of other and older peoples. It is not the writer's intention to state that nothing admirable exists in these States. American artists have acquired a just fame of late years, and their genius is admitted by all. The American inventive genius is also conspicuous. But for the admirable conservative daily press these States would have been, ere this, remorselessly put under the heel of an iron despotism from which rescue would have been impossible.. Our press is the most satisfactory part of our present civilization. The American periodical and review demand all praise. Beyond this, an unbiased judgment will only see great natural advantages and an energetic money-making people, who have accomplished much.

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Whether they be of superior intelligence, vigor, and worth, will be demonstrated within the next few years when the present uncertain stage is passed, and when these States will either have returned to a pure democratic government, to honest trade, and to great prosperity, or will be held in the grasp of a despotic money oligarchy, with a standing army to enforce its authority, and a pauper-working class to do its behests. The triumph of the true principles of our government, which maintain the welfare of the people, or the triumph of those which take from the masses to add to the wealth of the rich, will turn the scales and make Americans a success or a failure.

Therefore there is room for apprehension and anxiety; but the excessive Chauvinism which mars the American character, otherwise clear sighted and admirable, sees nothing of it.

S. RHETT ROMAN.

CRITICISM CRITICISED.

CERTAINLY every critical writer on music, the fine arts, the drama, literature, or anything else, has a right to do his work in his own way. He must needs do it so. Does it not seem often, however, that literary, musical, dramatic, fine arts, or any other sort of journalistic criticism nowadays, done emphatically in a man's or a woman's "own way," means the man's or woman's *not* doing it? Is there not, day by day, in our journals too much of the vague and negative and counsel-darkening criticism for the given literary matter or art matter to get the praise or blame needed, in this or that responsible quarter?

Let us reason together a bit. For what is a newspaper or other professional critic set to reviewing a book, sent to the concert, the opera, the play, the picture exhibition? To judge of their merits, of *their* merits—and to say what he thinks just as independently, sharply, and discriminately as he can: independently, be it observed, of everybody and of everything impertinent to his immediate function. For that purpose is his space given him in his newspaper or other periodical. Characterize that matter before him he must. Stick to the text of that book, that play, that opera, that picture he must, and to the way in which A and B or C have done their work in it. Was it a good book of its kind—a good play—a good symphony or a poor one? and, as far as is practicable, why was the business good, bad, or indifferent? Characterization above all things is his *métier*.

Now, if the professional critic disregards this primary duty, consciously or unconsciously, he is in fault. He may be learned. But he must make his learning merely the vantage ground for his sure foothold in his task. He must not write a general or special essay on the topic. He must not give his reader an intolerable deal of excellent didactics, quite matter out of place, to a penny-worth of his opinion on the things before him and them. His preamble must not be the kite and his criticism the tail. He must not write a vast portico of an essay on some related matters—and knock together behind it some little hut of his criticism, his newspaper's criticism, that primarily its readers want. If he does this—and too many men do it—he is either troubled with a sad, bad eye for proportion, or else he is deliberately dishonest. He is avoiding his duty speciously and perhaps gracefully; but he avoids it. It is to be suspected that he is tying up his knife of analysis in flowers. It is edgeless. He is pretending to criticize when he is only essaying.

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Surely this is plain common-sense. In critical writing Hamlet's remark is the best guide—"the play's the thing;" or rather the history, the biography, the novel, the opera, the picture, the statue, each is the thing in which the critic must do most of his speaking to his public. Essays and sermons neither keep nor hinder, nor kill, nor cure, under such journalistic conditions. Criticism does. Never was honest, blunt, sincere, well-considered, terse, critical writing more needed in this country than now. May we have more of it! May our younger journalists think more of achieving it day by day, month by month! The office of the journalistic critic is not the circumlocution office. To write "all around" a thing, yet never touch it to the quick, hints at pedantry, cowardice, or self-interest. It conflicts too much with the critic's first duty—I had almost written whole duty—to speak the truth; a duty that should be his greatest pleasure. He must not tack in it; but go about it at all times, tersely, pointedly, without fear or favor, regardless of personal enmities, or friendships, or advantages, or disadvantages. He must not avail himself of his knowledge of everything relating to the topic to furnish his "copy." Better hit hard than hit too soft.

I know of no better gospel of criticism in literature, art, anything, than this. It covers a wide field, brief as its principle or warning is, just as the enchanted pavilion of the Peri Banu could be held in the palm or be made to shelter a host. The cuttle-fish with his ample sepia bag is the allegory, consciously or unconsciously, of too much of what fills the critic's space in the metropolitan journal all the world over just now. Surely it may profitably for letters and art be no longer pertinent.

E. IRENÆUS STEVENSON.

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